

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants : David M. Berezowski et al
Application No. : 09/823,705 Confirmation No.: 7437
Filed : March 30, 2001
For : SYSTEMS AND METHODS FOR IMPROVED
AUDIENCE MEASURING
Art Unit : 2424
Examiner : Annan Q. Shang

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AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Madam:

In response to the April 17, 2009 Notification of Non-Compliant Appeal Brief, appellants are submitting this Amended Appeal Brief pursuant to 37 C.F.R. § 41.37(d). Pursuant to MPEP § 1205.03, this Amended Appeal Brief is a complete new brief with the required corrections.

Appellants believe that no fee is required in connection with this Amended Appeal Brief. However, the Director is hereby authorized to charge any fees that may be due, or credit any overpayment of the same, to Deposit Account No. 06-1075 (Order No. 03597-0193).

This Amended Appeal Brief is submitted in support of the appeal from the final rejection of claims 1-6, 8-11,

13-46, 50-56, 58, 60-85, 87-90, 92-125, 129-135, 137, 139-164, 166-169, 171-204, 208-214, 216, and 218-237 in the Final Office Action dated March 22, 2007. A Notice of Appeal for this case was filed on September 20, 2007 along with a Pre-Appeal Brief Request for Review. Appellants then received a Notice of Panel Decision from Pre-Appeal Brief Review dated February 8, 2008 stating that appellant is required to submit an appeal brief in accordance with 37 C.F.R. § 41.37.

In view of the arguments and authorities set forth below, the Board should find the rejection of claims 1-6, 8-11, 13-46, 50-56, 58, 60-85, 87-90, 92-125, 129-135, 137, 139-164, 166-169, 171-204, 208-214, 216, and 218-237 to be in error, and the Board should reverse the rejection.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.2:

- (i.) Real Party In Interest
- (ii.) Related Appeals and Interferences
- (iii.) Status of Claims
- (iv.) Status of Amendments
- (v.) Summary of Claimed Subject Matter
- (vi.) Grounds of Rejection to be Reviewed on Appeal
- (vii.) Argument
- (viii.) Claims Appendix
- (ix.) Evidence Appendix
- (x.) Related Proceedings Appendix

(i.) Real Party in Interest

Appellants respectfully advise the Board that the real party in interest in the above-identified patent application is United Video Properties, Inc., a corporation organized and existing under the laws of the State of Delaware, and having an office and place of business at 6922 Hollywood Boulevard, Los Angeles, CA 90028, which is the assignee of the entire interest in this application.

(ii.) Related Appeals and Interferences

Appellants advise the Board that there are no other appeals or interferences known to appellants, appellants' legal representative or appellants' assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii.) Status of Claims

Claims 1-6, 8-11, 13-46, 50-56, 58, 60-85, 87-90, 92-125, 129-135, 137, 139-164, 166-169, 171-204, 208-214, 216, and 218-237 are rejected in this application and are on appeal. Claims 7, 12, 47-49, 57, 59, 86, 91, 126-128, 136, 138, 165, 170, 205-207, 215, and 217 have been cancelled.

(iv.) Status of Amendments

Appellants have not submitted any amendment pursuant to 37 C.F.R. § 1.116 or in reply to the March 22, 2007 Final Office Action (hereinafter "Final Office Action"), from which this appeal is being sought.

(v.) Summary of Claimed Subject Matter

Appellants' independent claims 1, 80, and 159 are directed to a method and systems for measuring audience size information based on playbacks of a recorded program. Indications of playbacks of the recorded program are received from a plurality of audience members. In response to receiving these indications, audience size information is updated and this updated information is then provided to at least one user within an interactive television application.

Support in the specification for claims 1, 80, and 159 is found at least in the locations indicated in the following table:

Claim 1	The Specification
A method for measuring audience size information based on playbacks of a recorded program comprising:	FIG. 18, p. 8, ll. 18-21
Receiving indications of playbacks of the recorded program from a plurality of audience members;	FIG. 18, p. 38, ll. 4-25
Updating audience size information for the recorded program in response to receiving the indications from the plurality of audience members; and	FIG. 18, p. 39, ll. 15-17
Providing the updated audience size information to at least one user within an interactive television program.	FIGs. 5-16, p. 39, ll. 15-23

Claim 80	The Specification
A system for measuring audience size information based on playbacks of a recorded program comprising:	FIGs. 3, 4, p. 8, ll. 18-21
means for receiving indications of playbacks of the recorded program from a plurality of audience members;*	p. 16, l. 30 - p. 17, l. 38, p. 38, ll. 4-25
means for updating audience size information for the recorded program in response to receiving the indications from the plurality of audience members; and*	p. 17, ll. 16-25, p. 39, ll. 15-17, p. 10, ll. 2-8
means for providing the updated audience size information to at least one user within an interactive television application.*	p. 18, ll. 21-33
Claim 159	The Specification
A system for measuring audience size information based on playbacks of a recorded program comprising:	p.8, ll. 18-21
a user input device;	FIG. 4, p. 23, ll. 27-32
a display device;	FIG. 4, p.23, l. 28 - p. 24, l. 10.
an interactive television application implemented at least partially on control circuitry and programmed to:	p. 16, l. 30 - p. 17, l. 38, p. 38, ll. 4-25

* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c) (v) .

* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c) (v) .

receive indications of playbacks of the recorded program from a plurality of audience members;	FIGs. 2, 3, p. 19, ll. 19-28
update audience size information for the recorded program in response to receiving the indications from the plurality of audience members; and	p. 17, ll. 16-25, p. 39, ll. 15-17, p. 10, ll. 2-8
direct the display device to provide the updated audience size information to at least one user within an interactive television application.	p. 18, ll. 21-33

Appellants' independent claims 29, 108, and 187 are directed toward a method and systems for providing audience size information with program listings in an interactive television application. Indications that a user wishes to access one or more program listings are received from a user. Audience size information for a program corresponding to at least one of the program listings is calculated. The calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members.

Support in the specification for claims 29, 108, and 187 is found at least in the locations indicated in the following table:

Claim 29	The Specification
A method for providing audience size information with program listings in an interactive television application comprising:	FIG. 7, p. 25, ll. 7-11, p. 28, ll. 21-31

receiving an indication from a user that the user wishes to access one or more program listings;	p. 30, ll. 6-20
calculating audience size information for a program corresponding to at least one of the one or more program listings, wherein the calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members; and	FIG. 19, p. 40, l. 24 - p. 41, l. 19
providing the one or more program listings in response to the indication, wherein at least one of the one or more program listings includes audience size information for a program corresponding to a program listing.	FIG. 20, p. 41, l. 31 - p. 42, l. 25
Claim 108	The Specification
A system for providing audience size information with program listings in an interactive television application comprising:	p. 25, l. 7-11, FIG. 7, p. 28, ll. 21-31
means for receiving an indication from a user that the user wishes to access one or more program listings;*	FIG. 2, p. 35, ll. 26-34

* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c)(v).

means for calculating audience size information for a program corresponding to at least one of the one or more program listings, wherein the calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members; and*	FIG. 19, p. 40, l. 24 - p. 41, l. 19
means for providing the one or more program listings in response to the indication, wherein at least one of the one or more program listings includes audience size information for a program corresponding to a program listing.*	FIG. 20, p.41, l. 18-23
Claim 187	The Specification
A system for providing audience size information with program listings in an interactive television application comprising:	p.8, ll. 18-21
a user input device;	FIG. 4, p. 23, ll. 27-32
a display device; and	FIG. 4, p.23, l. 28 - p. 24, l. 10.
an interactive television application implemented at least partially on control circuitry and programmed to:	p. 16, l. 30 - p. 17, l. 38, p. 38, ll. 4-25
receive an indication from the user input device that a user wishes to access one or more program listings;	FIG. 2, p. 35, ll. 26-34

* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c) (v) .

calculate audience size information for a program corresponding to at least one of the one or more program listings, wherein the calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members; and	FIG. 19, p. 40, l. 24 - p. 41, l. 19
direct the display device to provide the one or more program listings in response to the indication, wherein at least one of the one or more program listings includes audience size information for a program corresponding to a program listing.	FIG. 20, p.41, l. 18-23

Appellants' independent claims 51, 130, and 209 are directed toward a method and systems for measuring audience size information for an upcoming program in an interactive application. Indications to perform actions related to the upcoming program are received from a plurality of audience members. Audience size information is updated in response to receiving the indications. Audience size information is then provided to at least one user within the interactive television application.

Support in the specification for claims 51, 130, and 209 is found at least in the locations indicated in the following table:

Claim 51	The Specification
A method for measuring audience size information for an upcoming program in an interactive application comprising:	FIG. 20, p. 41, ll. 3
receiving indications from a plurality of audience members to perform actions related to the upcoming program;	FIG. 20, p. 41, l. 31 - p. 42, l. 8
updating audience size information for the upcoming program in response to receiving the indications; and	FIG. 20, p. 42, ll. 9-17
providing the audience size information to at least one user within the interactive television application.	FIG. 20, p. 42, ll. 17-25
Claim 130	The Specification
A system for measuring audience size information for an upcoming program in an interactive application comprising:	FIG. 20, p. 8, ll. 18-21
means for receiving indications from a plurality of audience members to perform actions related to the upcoming program;*	FIG. 20, p. 16, l. 30 - p. 17, l. 1,
means for updating audience size information for the upcoming program in response to receiving the indications; and*	FIG. 20, p. 17, ll. 16-25

* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c) (v).

means for providing the audience size information to at least one user within the interactive television application.*	p. 10, ll. 2-8
Claim 209	The Specification
A system for measuring audience size information for an upcoming program in an interactive television application comprising:	FIG. 20, p. 8, ll. 18-21, p. 42, ll. 17-25
a user input device;	FIG. 4, p. 23, ll. 27-32
a display device; and	FIG. 4, p.23, l. 28 - p. 24, l. 10.
an interactive television application implemented at least partially on control circuitry and programmed to:	p. 16, l. 30 - p. 17, l. 38, p. 38, ll. 4-25
receive indications from a plurality of audience members to perform actions related to the upcoming program;	FIG. 20, p. 16, l. 30 - p. 17, l. 1,
update audience size information for the upcoming program in response to receiving the indications; and	FIG. 20, p. 17, ll. 16-25
direct to display device to provide the audience size information to at least one user within the interactive television application.	p. 10, ll. 2-8, p. 42, ll. 17-25

Appellants' dependent claims 9, 88*, and 167 are directed towards methods and systems for updating audience size information based on the number of times a plurality of audience members played back a recorded program.

* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c) (v).

Support in the specification for claims 9, 88, and 167 may be found, for example, on page 30, lines 22-27, page 38 line 33 through page 39, line 2, and page 39 lines 12-14.

Appellants' dependent claims 71, 150*, and 229 are directed towards a method and systems for updating audience size information based on the number of times a plurality of audience members performed actions related to an upcoming program. Support in the specification for claims 71, 150, and 229 may be found, for example, on page 42, lines 9-25.

Appellants' dependent claims 10, 89*, and 168 are directed towards a method and systems for, inter alia, updating audience size information based on a user-identified action that controls how a recorded program is played back. Support in the specification for claims 10, 89 and 168 may be found, for example, on page 36, line 34 through page 37, line 15.

Appellants' dependent claims 8, 87*, 166 are directed towards a method and systems for, inter alia, updating a market share of a recorded program. Support in the specification for claims 8, 87 and 166 may be found, for example, on page 3, lines 12-17, page 4, lines 14-19, and page 26, line 32 through page 27, line 5.

Appellants' dependent claims 58, 137*, 216 are directed towards a method and systems for, inter alia, updating a market share of an upcoming program. Support in the specification for claims 58, 137 and 216 may be found,

* Hereby identified as a means-plus-function element pursuant to 37 C.F.R. §41.37(c)(v).

for example, on page 3, lines 12-17, page 4, lines 14-19, and page 26, line 32 through page 27, line 5.

(vi.) Grounds of Rejection to be Reviewed on Appeal

The following ground of rejection is to be reviewed on this appeal:

A. Whether claims 1-6, 11, 13-28, 80-85, 89, 92-107, 159-164, 169, and 171-186 are unpatentable under 35 U.S.C. § 102(e) in view of Maissel.

B. Whether claims 29-46, 50, 108-125, 129, 187-204, and 208 are unpatentable under 35 U.S.C. § 102(e) in view of Maissel.

C. Whether claims 51-56, 58, 60-70, 72-79, 130-135, 137, 139-149, 151-158, 209-214, 218, and 219-228, 230-237 are unpatentable under 35 U.S.C. § 102(e) in view of Maissel.

D. Whether claims 9, 88, and 167 are unpatentable under 35 U.S.C. § 102(e) in view of Maissel.

E. Whether claims 10, 89, and 168 are unpatentable under 35 U.S.C. § 102(e) in view of Maissel.

F. Whether claims 71, 150, and 229 are unpatentable under 35 U.S.C. § 102(e) in view of Maissel.

G. Whether claims 8, 87, and 166 are unpatentable under 35 U.S.C. § 103(a) in view of Maissel in view of Hendricks.

H. Whether claims 58, 137, and 216 are unpatentable under 35 U.S.C. § 103(a) in view of Maissel in view of Hendricks.

(vii.) Argument

- A. The rejection of claims 1-6, 11, 13-28, 80-85, 89, 92-107, 159-164, 169, and 171-186 under 35 U.S.C. § 102(e) in view of Maissel

In the final Office Action dated March 22, 2007 ("Office Action"), the Examiner rejected independent claims 1, 80, and 159 under 35 U.S.C. § 102(e) as being unpatentable in view of Maissel. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' independent claims 1, 80, and 159 are directed toward a method and systems for measuring audience size information based on playbacks of a recorded program. Indications of playbacks of the recorded program are received from a plurality of audience members. In response to receiving these indications, audience size information is updated and then provided to at least one user within an interactive television application.

Maissel refers to an electronic program guide in which a headend computes real-time information on a proportion or percentage of the audience viewing a program currently being viewed by a viewer, and a proportion or percentage of an audience currently viewing programs not currently being viewed by the viewer (*Maissel*, 19:20-23). The real time information may then be transmitted to the viewer and display information derived from the transmitted information may then be displayed on the display apparatus (*Maissel*, 19:27-30). The display information may comprise an alert to the viewer of the display apparatus informing the viewer that a program is currently being viewed by a large proportion of the audience (*Maissel*, 19:31-37). Maissel also includes an intelligent agent that receives

one or more viewer preference profiles and prepares customized program schedule information (Maissel, 18:60-67).

1. MAISSEL DOES NOT SHOW OR SUGGEST UPDATING AUDIENCE SIZE INFORMATION FOR RECORDED PROGRAMS

The initial burden of establishing a prima facie basis to deny patentability to a claimed invention is always upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). For a proper rejection under 35 U.S.C. § 102, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. Appellants respectfully submit that Maissel does not show each and every element of appellants' claims 1, 80, and 159.

In particular, Maissel does not show computing information about recorded programs. Maissel states in relevant part:

...at the headend 340, real-time information on a proportion or percentage of the audience viewing a particular program may be computed. The term 'audience', as used throughout the present specification and claims, refers either to the sum total audience viewing all programs at a particular time, or to the total audience of viewers who are capable of receiving programs at a particular time.
Maissel, 19:20-27.

As shown in this passage, Maissel captures a real-time measure of the total audience viewing a particular program

at a particular time. Such a measure does not take into account recorded programs, which are programs that have been stored and played back after their broadcast. See appellants' specification, page 2, lines 13-21. Further, appellants respectfully submit that the Examiner's contention that indications of playbacks of a recorded program is equivalent to indications of the programs, or content, not currently being viewed by a viewer is overbroad. and unreasonable. For at least these reasons, Maissel does not show computing information about recorded programs.

As a result, Maissel also does not show updating audience size information for a recorded program in response to receiving indications of playbacks of the recorded program from audience members. On page 3 of the Office Action, the Examiner argues that:

The Pay program, non-pay or free programs, popular programs (col. 12, line 67), movies and NVD (col. 19, lines 1-49), etc., are all recorded programs and the monitoring agent monitors viewers [sic] behavior, actions or indications as to playbacks of these recorded programs at the headend, generates these analysis for presentation to at least one viewer (col. 19, lines 1-49).

Even assuming, *arguendo*, that all of the programs mentioned in this passage of the Office Action can be considered recorded programs, there is nothing in Maissel that shows using its monitoring agent to calculate audience information. Instead, the monitoring agent of Maissel uses monitored viewing behavior to generate on-screen alerts and display customized program schedule information. Accordingly, Maissel does not update audience size information for a recorded program in response to receiving

indications of playbacks of the recorded program from audience members as required by independent claims 1, 80, and 159.

2. CONCLUSION

For at least the above reasons, Maissel does not explicitly or implicitly show updating audience size information for a recorded program in response to receiving indications of playbacks of the recorded program from audience members. Accordingly, because Maissel fails to show each and every limitation of appellants' independent claims 1, 80, and 159, as is required for a rejection under 35 U.S.C. § 102(e), the Examiner's rejection is improper. Reversal of the rejection of claims 1, 80, and 159 is therefore respectfully requested. Appellants further submit that the board should also reverse the rejection of claims 2-6, 8-11, 13-28, 81-85, 87-90, 91-108, 160-164, 166-169, and 171-186 at least because these claims depend from independent claims 1, 80, and 159 respectively. See In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) at 1600.

- B. The rejection of claims 29-46, 50, 108-125, 129, 187-204, and 208 under 35 U.S.C. § 102(e) in view of Maissel

In the Office Action, the Examiner rejected independent claims 29, 108, and 187 under 35 U.S.C. § 102(e) as being unpatentable in view of Maissel. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' independent claims 29, 108, and 187 are directed toward a method and systems for providing audience size information with program listings in an interactive television application. Indications that a

user wishes to access one or more program listings are received from a user. Audience size information for a program corresponding to at least one of the program listings is calculated. The calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members. Program listings that include audience size information are provided in response to the indication from the user.

1. MAISSEL DOES NOT SHOW OR SUGGEST CALCULATING
AUDIENCE SIZE INFORMATION BY ASSIGNING
POINTS TO USER ACTIONS

Appellants respectfully submit that Maissel does not show each and every element of appellants' claims. Specifically, Maissel does not show or suggest calculating audience size information based on a graded approach of "assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members" as required by appellants' claims 29, 108, and 187. Nowhere does Maissel show this functionality as part of its intelligent agent, preference profiles, calculation of audience size information, or any other feature. On page 3 of the Office Action, the Examiner contends that Maissel:

"further uses rule-based abstracted method [sic] to generate various on-screen alerts to display behavior data or audience data of current programs being watched and programs not being watched (which meets the claim limitation 'calculating audience size information...based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by...audience members...')"

Appellants respectfully submit that the Examiner's characterization of Maissel is erroneous, and that Maissel does not show or suggest this feature of appellants' claims.

Maissel maintains preference profiles, which are collections of information that describe a user's viewing habits. An intelligent agent applies rules to this information to generate on-screen alerts to, *inter alia*, remind viewers that their favorite program is being broadcast and display customized program schedule information (See Maissel, col. 13, line 9 through col. 14, line 20, and col. 18, lines 58-67). Appellants respectfully submit that the Examiner's contention that these or any other features of Maissel show calculating audience size information based on a graded approach of assigning points to user actions is clearly false. Nowhere does Maissel show that the intelligent agent's "rule-based abstracted method" assigns points to audience actions for use in audience measurement.

Even if Maissel's "rule-based abstracted approach" assigned points to audience actions, which appellants maintain that it does not, Maissel still would not show that this feature is used for audience measurement. Maissel's intelligent agent is merely used to alert users of programs based on the information in their preference profiles. For example:

a rule might state that if the user preference level for news is greater than a given threshold and if a news program is scheduled within the next 30 minutes, a news alert should be presented on the screen. See Maissel, col. 13, lines 2629.

Such rule based alerts have nothing to do with calculating audience sized information based on assigning points to user actions, and nowhere does Maissel associate the two concepts. Accordingly, Maissel does not show or suggest calculating audience size information based on a graded approach of "assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members" as required by appellants' claims 29, 108, and 187.

2. MAISSEL'S INTELLIGENT AGENT DOES NOT
INHERENTLY SHOW CALCULATING AUDIENCE SIZE
INFORMATION FROM USER VIEWING HABITS

On pages 2-3 of the Office Action, the Examiner cites several portions of Maissel related to Maissel's intelligent agent in an attempt to support his position:

Examiner, notes applicant's argues [sic], however, Maissel discloses a monitoring agent that monitors viewing behavior of user [sic]...generates customizes [sic] schedule for viewers and provides audiences [sic] information to viewers with respect to programs currently being watch [sic] or not watched...Furthermore the viewing behavior includes various viewer actions...

Here, the Examiner appears to be implying that Maissel's intelligent agent inherently shows calculating audience size information from user viewing habits. According to MPEP 2112 (IV), "[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (emphasis in original). A claim limitation is inherent in the prior art if it is necessarily present in the prior art, not merely

probably or possibly present. Akamai Technologies, Inc. v. Cable & Wireless Internet Services, Inc., 344 F.3d 1186, 68 USPQ2d 1186 (Fed. Cir. 2003) (emphasis added).

As discussed in section (vii.) (A) (1) of this brief, there is simply no disclosure in Maissel that its intelligent agent calculates audience size information from user viewing habits. Further, even assuming *arguendo* that it is possible for Maissel to use its intelligent agent to calculate audience size information, the Examiner has failed to provide any evidence that Maissel necessarily performs this function. For at least these reasons, Maissel does not explicitly or implicitly show calculating audience size information from user viewing habits collected by its intelligent agent.

3. CONCLUSION

Because Maissel fails to show each and every limitation of appellants' independent claims 29, 108, and 187, as is required for a rejection under 35 U.S.C. § 102(e), the Examiner's rejection is improper. Reversal of the rejection of claims 29, 108, and 187 is therefore respectfully requested. Appellants further submit that the board should also reverse the rejection of claims 30-46, 50, 109-125, 129, 188-204, and 208 at least because these claims depend from independent claims 29, 108, and 187 respectively. See In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) at 1600.

- C. The rejection of claims 51-56, 58, 60-70, 72-79, 130-135, 137, 139-149, 151-158, 209-214, 218, 219-228, and 230-237 under 35 U.S.C. § 102(e) in view of Maissel

In the final Office Action, the Examiner rejected independent claims 51, 130, and 209 under 35 U.S.C.

§ 102(e) as being unpatentable in view of Maissel. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' independent claims 51, 130 and 209 are directed toward methods and systems for measuring audience size information for an upcoming program in an interactive application. Indications to perform actions related to the upcoming program are received from a plurality of audience members. Audience size information is updated in response to receiving the indications. Audience size information is then provided to at least one user within the interactive television application.

1. MAISSEL DOES NOT SHOW OR SUGGEST UPDATING
AUDIENCE SIZE INFORMATION FOR UPCOMING
PROGRAMS

As argued in section (vii.) (A) (1) of this brief, Maissel updates audience information based only on programs currently being broadcast. Maissel makes no reference to providing such information for an upcoming program. In addition, as argued in section (vii.) (B) (2) of this brief, Maissel does not explicitly or implicitly show calculating audience size information from user viewing habits collected by its intelligent agent. Therefore, Maissel does not show updating audience size information based on users viewing upcoming programs. For at least this reason, Maissel fails to show all of the features of appellants' independent claims 51, 130, and 209.

2. THE EXAMINER'S REJECTION DOES NOT ADDRESS
APPELLANTS' CLAIMED FEATURE OF UPDATING
AUDIENCE SIZE INFORMATION BASED ON USERS
VIEWING UPCOMING PROGRAMS

Appellants respectfully submit that the Office Action does not address appellants' claimed feature of updating audience size information based on users viewing upcoming programs. On page 10 of the Office Action, the Examiner contends that Maissel further discloses "measuring audience information for upcoming program [sic] in an interactive application..." as previously discussed with respect to the rejection of claim 1. However, in the rejection of claim 1, there is no such discussion of where Maissel shows this feature. The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Appellants respectfully submit that the Examiner has failed to meet this burden. As such, the Examiner's rejection of claims 51, 130, and 209 is improper. Reversal of the rejection of claims 51, 130, and 209 is therefore respectfully requested.

3. CONCLUSION

For at least the reasons above, the Examiner's rejection of claims 51, 130, and 209 should be withdrawn. Appellants further submit that the board should also reverse the rejection of claims 52-59, 58, 60-70, 72-79, 131-135, 137, 139-149, 151-158, 210-214, 218, 219-228, and 230-237 at least because these claims depend from independent claims 51, 130, and 209 respectively. See In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) at 1600.

- D. The rejection of claims 9, 88, and 167
under 35 U.S.C. § 102(e) in view of Maissel

In the March 22, 2007 Office Action, the Examiner rejected dependent claims 9, 88, and 167 under 35 U.S.C.

§ 102(e) as being unpatentable in view of Maissel. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' dependent claims 9, 88, and 167 are directed towards a method and systems for updating audience size information based on the number of times each audience member plays back a recorded program.

On page 6 of the Office Action, the Examiner cites to 2 portions of Maissel to allegedly show this claimed feature. The first section, col. 11, lines 8-64, relates to a description of how Maissel receives program schedule information. The second section, col. 19, lines 1-49, relates to how Maissel calculates audience size information using the headend, and how the audience information may be displayed. None of these portions of Maissel show or suggest updating audience size information based on the number of times each audience member plays back a recorded program. While the first portion of Maissel cited by the Examiner mentions Maissel's intelligent agent, as argued in section (vii.)(B)(2) of this brief, Maissel does not explicitly or implicitly show calculating audience size information from user viewing habits collected by its intelligent agent. Accordingly, nowhere does Maissel show or suggest appellants claims 9, 88, and 167.

For at least these additional reasons, appellants submit that the Board should reverse the rejection of dependent claims 9, 88, and 167 under 35 U.S.C. § 102(e) as being unpatentable in view of Maissel.

E. The rejection of claims 10, 89, and 168
under 35 U.S.C. § 102(e) in view of Maissel

In the March 22, 2007 Office Action, the Examiner rejected dependent claims 10, 89, and 168 under 35 U.S.C. § 102(e) as being unpatentable in view of Maissel. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants dependent claims 10, 89, and 168 are directed towards a method and systems for, *inter alia*, updating audience size information based on a user-identified action. For example, actions may include the user pausing, rewinding, and fast-forwarding media (See appellants' specification, page 36, line 34 through page 37, line 15).

On pages 6, 10, and 13 of the March 22, 2007 Office Action, the Examiner contends that 4 cited portions of Maissel, each detailing Maissel's intelligent agent, shows this feature of appellants' claims. However, as argued in section (vii.) (B) (2) of this brief, Maissel does not explicitly or implicitly show calculating audience size information from user viewing habits collected by its intelligent agent. Accordingly, nowhere does Maissel show or suggest appellants claims 10, 89, and 168.

For at least these additional reasons, appellants submit that the Board should reverse the rejection of dependent claims 10, 89, and 168 under 35 U.S.C. § 102(e) as being unpatentable in view of Maissel.

F. The rejection of claims 71, 150, and 229
under 35 U.S.C. § 102(e) in view of Maissel

In the March 22, 2007 Office Action, the Examiner rejected dependent claims 71, 150, and 229 under 35 U.S.C.

§ 102(e) as being unpatentable in view of Maissel. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' dependent claims 71, 150, and 229 are directed towards a method and systems for updating audience size information based on the number of times the plurality of audience members perform actions related to an upcoming program.

On pages 7, 12, and 13 of the Office Action, the Examiner contends that claims 71, 150, and 229 are rejected as previously discussed with respect to claims 9-11. In the rejections of these claims, the Examiner cites portions of Maissel that discuss how Maissel receives program schedule information, how Maissel calculates audience size information using the headend, how the audience information may be displayed, and the operation of Maissel's intelligent agent. None of these portions of Maissel show or suggest updating audience size information relating to an upcoming program, let alone discuss an upcoming program itself. Further, as argued in section (vii.) (C) (1) of this brief, Maissel does not show updating audience size information based on users viewing upcoming programs. Accordingly, nowhere does Maissel show or suggest appellants claims 71, 150, and 229.

G. The rejection of claims 8, 87, and 166
 under 35 U.S.C. § 103(a) in view of
 Maissel in view of Hendricks

In the March 22, 2007 Office Action, the Examiner rejected dependent claims 8, 87, and 166 under 35 U.S.C. § 103(a) as being unpatentable in view of Maissel in view of Hendricks. Appellants respectfully traverse this

rejection and request that it be overturned for at least the reasons set forth below.

Appellants' dependent claims 8, 87, and 166 are directed towards a method and systems for, inter alia, updating a market share of a recorded program.

On page 16 of the Office Action, the Examiner concedes that Maissel fails to show or suggest updating a market share of a recorded program but contends that Hendricks discusses analyzing television show ratings to determine optimal scheduling in order to gain market share.

Hendricks refers to an Operations Center that organizes and packages television programs for transmission in a television delivery system (*Hendricks*, 3:12-16). The Operations Center packages programs into groups that provide the optimal marketing of the programs to subscribers (*Hendricks*, 8:11-14). The packaging tasks are performed by computer assisted packaging equipment (CAP), which may utilizing ratings data (*Hendricks*, 8:22-31).

The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Maissel with Hendricks in order to gain market share by providing interesting programs. However, Hendricks does not show or suggest updating a market share of a recorded program. Instead, Hendricks discusses a system that may be used to increase market share by optimally packaging video programs. The appellants' claims, on the other hand, refer to updating a market share as part of an update to the audience size information. Accordingly, the combination of Maissel and Hendricks does not show or suggest appellants' claims 8, 87, and 166.

H. The rejection of claims 58, 137, and 216
 under 35 U.S.C. § 103(a) in view of
 Maissel in view of Hendricks

In the March 22, 2007 Office Action, the Examiner rejected dependent claims 58, 137, and 216 under 35 U.S.C. § 103(a) as being unpatentable in view of Maissel in view of Hendricks. Appellants respectfully traverse this rejection and request that it be overturned for at least the reasons set forth below.

Appellants' dependent claims 58, 137, and 216 are directed towards a method and systems for, inter alia, updating a market share of an upcoming program.

On page 16 of the Office Action, the Examiner concedes that Maissel fails to show or suggest updating a market share of an upcoming program but contends that Hendricks discusses analyzing television show ratings to determine optimal scheduling in order to gain market share. The Examiner further alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Maissel with Hendricks in order to gain market share by providing interesting programs.

Appellants respectfully submit that Hendricks does not show or suggest updating a market share of an upcoming program. Instead, Hendricks discusses a system that may be used to increase market share by optimally packaging video programs. The appellants' claims, on the other hand, refer to updating a market share as part of an update to the audience size information. Accordingly, the combination of Maissel and Hendricks does not show or suggest appellants' claims 58, 137, and 216.

I. Conclusion

For the reasons set forth above, appellants submit that claims 1-6, 8-11, 13-46, 50-56, 58, 60-85, 87-90, 92-125, 129-135, 137, 139-164, 166-169, 171-204, 208-214, 216, and 218-237 are in condition for allowance. The Examiner's rejections of these claims should be reversed.

Respectfully submitted,

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(viii.) Claims Appendix

CLAIMS 1-6, 8-11, 13-46, 50-56, 58, 60-85, 87-90, 92-125,
129-135, 137, 139-164, 166-169, 171-204, 208-214, 216, AND
218-237 ON APPEAL

1. (previously presented) A method for measuring audience size information based on playbacks of a recorded program comprising:

receiving indications of playbacks of the recorded program from a plurality of audience members;

updating audience size information for the recorded program in response to receiving the indications from the plurality of audience members; and

providing the updated audience size information to at least one user within an interactive television application.

2. (original) The method defined in claim 1 wherein the recorded program is an audio program.

3. (original) The method defined in claim 1 wherein the recorded program is a television program.

4. (original) The method defined in claim 1 wherein the recorded program is a pay-per-view program.

5. (original) The method defined in claim 1 wherein the recorded program is a video-on-demand program.

6. (original) The method defined in claim 1 wherein the recorded program is a near-video-on-video program.

7. (cancelled)

8. (previously presented) The method defined in claim 1 wherein updating audience size information comprises updating a market share of the recorded program.

9. (previously presented) The method defined in claim 1 wherein updating audience size information comprises updating audience size information based on the number of times each audience member played back the recorded program.

10. (previously presented) The method defined in claim 1 further comprising:

receiving an indication for a user-identified action, wherein such action controls how the recorded program is played back;

executing the user-identified action in response to receiving the indication; and

updating audience size information based on the user-identified action.

11. (original) The method defined in claim 10 wherein the user-identified action comprises actions selected from the group consisting of fast-forward, rewind, stop, pause, record, and play.

12. (cancelled)

13. (previously presented) The method defined in claim 1 wherein the interactive television application is an interactive television program guide.

14. (previously presented) The method defined in claim 1 wherein providing the audience size information comprises providing an interactive indicator that notifies the at least one user when audience size information is available, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

15. (previously presented) The method defined in claim 1 further comprising allowing the at least one user to compare programs based on audience size information provided to the at least one user for the programs.

16. (previously presented) The method defined in claim 1 wherein providing the audience size information further comprises providing the audience size information for a portion of the recorded program.

17. (original) The method defined in claim 16 wherein the portion of the recorded program is a scene within the recorded program.

18. (previously presented) The method defined in claim 1 wherein providing the audience size information further comprises providing the audience size information for a genre of programs.

19. (previously presented) The method defined in claim 1 wherein providing the audience size information further comprises providing the audience size information for the recorded program based on a time slot.

20. (previously presented) The method defined in claim 1 wherein providing the audience size information further comprises providing audience size information for a subset of the plurality of audience members to the at least one user.

21. (previously presented) The method defined in claim 20 wherein the subset of the plurality of audience members is defined based on user demographics.

22. (previously presented) The method defined in claim 1 wherein providing the audience size information further comprises providing the audience size information to the at least one user in a flip display.

23. (previously presented) The method defined in claim 1 wherein providing the audience size information further comprises providing the audience size information to the at least one user in a browse display.

24. (previously presented) The method defined in claim 1 wherein providing the audience size information further comprises providing the audience size information to the at least one user in a program listings display.

25. (previously presented) The method defined in claim 1 wherein updating the audience size information further comprises updating the audience size information based on a user profile of an audience member from which an indication was received related to the playback of the recorded program.

26. (previously presented) The method defined in claim 1 wherein updating audience size information further comprises calculating audience size for the recorded program.

27. (original) The method defined in claim 26 wherein calculating the audience size comprises calculating the audience size based on assigning points to playback information.

28. (original) The method defined in claim 26 wherein calculating the audience size further comprises accessing a table of grading information for assigning points to playback information.

29. (previously presented) A method for providing audience size information with program listings in an interactive television application comprising:

receiving an indication from a user that the user wishes to access one or more program listings;

calculating audience size information for a program corresponding to at least one of the one or more program listings, wherein the calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions [[of]] performed by a plurality of audience members; and

providing the one or more program listings in response to the indication, wherein at least one of the one or more program listings includes audience size information for a program corresponding to a program listing.

30. (original) The method defined in claim 29 wherein the program is an audio program.

31. (original) The method defined in claim 29 wherein the program is a television program.

32. (original) The method defined in claim 29 wherein the program is a pay-per-view program.

33. (original) The method defined in claim 29 wherein the program is a video-on-demand program.

34. (original) The method defined in claim 29 wherein the program is a near-video-on-video program.

35. (previously presented) The method defined in claim 29 wherein the providing the one or more program listings comprises providing an interactive indicator that notifies the user when audience size information is available, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

36. (previously presented) The method defined in claim 29 further comprising allowing the user to compare programs based on audience size information provided to the user for the programs.

37. (previously presented) The method defined in claim 29 further comprising providing audience size information for a portion of the program.

38. (original) The method defined in claim 37 wherein the portion of the program is a scene within the program.

39. (previously presented) The method defined in claim 29 further comprising providing audience size information for a genre of programs.

40. (previously presented) The method defined in claim 29 further comprising providing the audience size information for the program based on a time slot.

41. (previously presented) The method defined in claim 29 further comprising providing the audience size information for a subset of the plurality of audience members to the user.

42. (previously presented) The method defined in claim 41 wherein the subset of the plurality of audience members is defined based on user demographics.

43. (previously presented) The method defined in claim 29 further comprising providing audience size information to the user in a flip display.

44. (previously presented) The method defined in claim 29 further comprising providing audience size information to the user in a browse display.

45. (previously presented) The method defined in claim 29 further comprising providing audience size information to the user in a program listings display.

46. (previously presented) The method defined in claim 29 further comprising updating audience size information based on a user profile of an audience member from which an indication was received.

47-49. (cancelled)

50. (original) The method defined in claim 29 wherein the interactive television application is an interactive television program guide.

51. (previously presented) A method for measuring audience size information for an upcoming program in an interactive application comprising:

receiving indications from a plurality of audience members to perform actions related to the upcoming program;

updating audience size information for the upcoming program in response to receiving the indications; and

providing the audience size information to at least one user within the interactive television application.

52. (original) The method defined in claim 51 wherein the upcoming program is an audio program.

53. (original) The method defined in claim 51 wherein the upcoming program is a television program.

54. (original) The method defined in claim 51 wherein the upcoming program is a pay-per-view program.

55. (original) The method defined in claim 51 wherein the upcoming program is a video-on-demand program.

56. (original) The method defined in claim 51 wherein the upcoming program is a near-video-on-video program.

57. (cancelled)

58. (previously presented) The method defined in claim 51 wherein updating audience size information comprises updating a market share of the upcoming program.

59. (cancelled)

60. (previously presented) The method defined in claim 51 wherein providing the audience size information further comprises providing an interactive indicator, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

61. (previously presented) The method defined in claim 51 further comprising allowing the user to compare programs based on audience size information provided to the user for the programs.

62. (previously presented) The method defined in claim 51 wherein providing the audience size information

further comprises providing the audience size information for a portion of the upcoming program.

63. (previously presented) The method defined in claim 51 wherein the portion of the upcoming program is a scene within the upcoming program.

64. (previously presented) The method defined in claim 51 wherein providing the audience size information further comprises providing the audience size information for a genre of programs.

65. (previously presented) The method defined in claim 51 wherein providing the audience size information further comprises providing the audience size information for the upcoming program based on a time slot.

66. (previously presented) The method defined in claim 51 wherein providing the audience size information further comprises providing the audience size information for a subset of the plurality of audience members to the user.

67. (previously presented) The method defined in claim 66 wherein the subset of the plurality of audience members is defined based on user demographics.

68. (previously presented) The method defined in claim 51 wherein providing the audience size information further comprises providing the audience size information to the user in a flip display.

69. (previously presented) The method defined in claim 51 wherein providing the audience size information further comprises providing the audience size information to the user in a browse display.

70. (previously presented) The method defined in claim 51 wherein providing the audience size information further comprises providing the audience size information to the user in a program listings display.

71. (previously presented) The method defined in claim 51 wherein updating audience size information comprises updating the audience size information based on the number of times the plurality of audience members performed actions related to the upcoming program.

72. (previously presented) The method defined in claim 51 wherein updating the audience size information further comprises updating the audience size information based on the number of times that the plurality of audience members viewed program information related to the upcoming program.

73. (previously presented) The method defined in claim 51 wherein updating the audience size information further comprises updating the audience size information based on the number of times that the plurality of audience members purchased the upcoming program.

74. (previously presented) The method defined in claim 51 wherein updating the audience size information further comprises updating the audience size information

based on the number of times that the plurality of audience members set reminders for the upcoming program.

75. (previously presented) The method defined in claim 51 wherein updating the audience size information further comprises updating the audience size information based on the number of times that the plurality of audience members scheduled to record the upcoming program.

76. (previously presented) The method defined in claim 51 wherein updating the audience size information further comprises updating the audience size information based on a user profile of an audience member from which an indication was received related to the upcoming program.

77. (previously presented) The method defined in claim 51 further comprising calculating audience size information for the upcoming program.

78. (previously presented) The method defined in claim 77 wherein calculating the audience size information comprises calculating the audience size information based on assigning points to playback information.

79. (previously presented) The method defined in claim 77 wherein calculating the audience size information further comprises accessing a table of grading information for assigning points to playback information.

80. (previously presented) A system for measuring audience size information based on playbacks of a recorded program comprising:

means for receiving indications of playbacks of the recorded program from a plurality of audience members;

means for updating audience size information for the recorded program in response to receiving the indications from the plurality of audience members; and

means for providing the updated audience size information to at least one user within an interactive television application.

81. (original) The system defined in claim 80 wherein the recorded program is an audio program.

82. (original) The system defined in claim 80 wherein the recorded program is a television program.

83. (original) The system defined in claim 80 wherein the recorded program is a pay-per-view program.

84. (original) The system defined in claim 80 wherein the recorded program is a video-on-demand program.

85. (original) The system defined in claim 80 wherein the recorded program is a near-video-on-video program.

86. (cancelled)

87. (previously presented) The system defined in claim 80 wherein the means for updating audience size information comprises means for updating a market share of the recorded program.

88. (previously presented) The system defined in claim 80 wherein the means for updating audience size information comprises means for updating audience size information based on the number of times each audience member played back the recorded program.

89. (previously presented) The system defined in claim 80 further comprising:

means for receiving an indication for a user-identified action, wherein such action controls how the recorded program is played back;

means for executing the user-identified action in response to receiving the indication; and

means for updating audience size information based on the user-identified action.

90. (original) The system defined in claim 89 wherein the user-identified action comprises actions selected from the group consisting of fast-forward, rewind, stop, pause, record, and play.

91. (cancelled)

92. (previously presented) The system defined in claim 80 wherein the interactive television application is an interactive television program guide.

93. (previously presented) The system defined in claim 80 wherein the means for providing the audience size information further comprises means for providing an interactive indicator, wherein the interactive indicator

comprises content selected from the group consisting of text, graphics, audio, video, and animation.

94. (previously presented) The system defined in claim 80 further comprising means for allowing the at least one user to compare programs based on audience size information provided to the at least one user for the programs.

95. (previously presented) The system defined in claim 80 wherein the means for providing the audience size information further comprises means for providing the audience size information for a portion of the recorded program.

96. (original) The system defined in claim 95 wherein the portion of the recorded program is a scene within the recorded program.

97. (previously presented) The system defined in claim 80 wherein the means for providing the audience size information further comprises means for providing the audience size information for a genre of programs.

98. (previously presented) The system defined in claim 80 wherein the means for providing the audience size information further comprises means for providing the audience size information for the recorded program based on a time slot.

99. (previously presented) The system defined in claim 80 wherein the means for providing the audience size

information further comprises providing audience size information for a subset of the plurality of audience members to the at least one user.

100. (previously presented) The system defined in claim 99 wherein the subset of the plurality of audience members is defined based on user demographics.

101. (previously presented) The system defined in claim 80 wherein the means for providing the audience size information further comprises means for providing the audience size information to the at least one user in a flip display.

102. (previously presented) The system defined in claim 80 wherein the means for providing the audience size information further comprises means for providing the audience size information to the at least one user in a browse display.

103. (previously presented) The system defined in claim 80 wherein the means for providing the audience size information further comprises means for providing audience size information to the at least one user in a program listings display.

104. (previously presented) The system defined in claim 80 wherein the means for updating the audience size information further comprises means for updating the audience size information based on a user profile of an audience member from which an indication was received related to the playback of the recorded program.

105. (previously presented) The system defined in claim 80 wherein the means for updating audience size information further comprises means for calculating audience size for the recorded program.

106. (original) The system defined in claim 105 wherein the means for calculating the audience size comprises means for calculating the audience size based on assigning points to playback information.

107. (original) The system defined in claim 105 wherein the means for calculating the audience size further comprises means for accessing a table of grading information for assigning points to playback information.

108. (previously presented) A system for providing audience size information with program listings in an interactive television application comprising:

means for receiving an indication from a user that the user wishes to access one or more program listings;

means for calculating audience size information for a program corresponding to at least one of the one or more program listings, wherein the calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions [[of]] performed by a plurality of audience members; and

means for providing the one or more program listings in response to the indication, wherein at least one of the one or more program listings includes audience

size information for a program corresponding to a program listing.

109. (original) The system defined in claim 108 wherein the program is an audio program.

110. (original) The system defined in claim 108 wherein the program is a television program.

111. (original) The system defined in claim 108 wherein the program is a pay-per-view program.

112. (original) The system defined in claim 108 wherein the program is a video-on-demand program.

113. (original) The system defined in claim 108 wherein the program is a near-video-on-video program.

114. (previously presented) The system defined in claim 108 wherein the means for providing the one or more program listings comprises means for providing an interactive indicator that notifies the user when audience size information is available, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

115. (previously presented) The system defined in claim 108 further comprising means for allowing the user to compare programs based on audience size information provided to the user for the programs.

116. (previously presented) The system defined in claim 108 further comprising means for providing audience size information for a portion of the program.

117. (original) The system defined in claim 116 wherein the portion of the program is a scene within the program.

118. (previously presented) The system defined in claim 108 further comprising means for providing audience size information for a genre of programs.

119. (previously presented) The system defined in claim 108 further comprising means for providing the audience size information for the program based on a time slot.

120. (previously presented) The system defined in claim 108 further comprising means for providing the audience size information for a subset of the plurality of audience members to the user.

121. (previously presented) The system defined in claim 120 wherein the subset of the plurality of audience members is defined based on user demographics.

122. (previously presented) The system defined in claim 108 further comprising means for providing audience size information to the user in a flip display.

123. (previously presented) The system defined in claim 108 further comprising means for providing audience size information to the user in a browse display.

124. (previously presented) The system defined in claim 108 further comprising means for providing audience size information to the user in a program listings display.

125. (previously presented) The system defined in claim 108 further comprising means for updating audience size information based on an audience member from which an indication was received.

126-128. (cancelled)

129. (original) The system defined in claim 108 wherein the interactive television application is an interactive television program guide.

130. (previously presented) A system for measuring audience size information for an upcoming program in an interactive application comprising:

means for receiving indications from a plurality of audience members to perform actions related to the upcoming program;

means for updating audience size information for the upcoming program in response to receiving the indications; and

means for providing the audience size information to at least one user within the interactive television application.

131. (original) The system defined in claim 130 wherein the upcoming program is an audio program.

132. (original) The system defined in claim 130 wherein the upcoming program is a television program.

133. (original) The system defined in claim 130 wherein the upcoming program is a pay-per-view program.

134. (original) The system defined in claim 130 wherein the upcoming program is a video-on-demand program.

135. (original) The system defined in claim 130 wherein the upcoming program is a near-video-on-video program.

136. (cancelled)

137. (previously presented) The system defined in claim 130 wherein the means for updating audience size information comprises means for updating a market share of the upcoming program.

138. (cancelled)

139. (previously presented) The system defined in claim 130 wherein the means for providing the audience size information further comprises means for providing an interactive indicator that notifies the user when audience size information is available, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

140. (previously presented) The system defined in claim 130 further comprising means for allowing the user to compare programs based on audience size information provided to the user for the programs.

141. (previously presented) The system defined in claim 130 wherein the means for providing the audience size information further comprises means for providing the audience size information for a portion of the upcoming program.

142. (previously presented) The system defined in claim 130 wherein the portion of the upcoming program is a scene within the upcoming program.

143. (previously presented) The system defined in claim 130 wherein the means for providing the audience size information further comprises means for providing the audience size information for a genre of programs.

144. (previously presented) The system defined in claim 130 wherein the means for providing the audience size information further comprises means for providing the audience size information for the upcoming program based on a time slot.

145. (previously presented) The system defined in claim 130 wherein the means for providing audience size information further comprises means for providing audience size information for a subset of the plurality audience members to the user.

146. (previously presented) The system defined in claim 145 wherein the subset of the plurality of audience members is defined based on user demographics.

147. (previously presented) The system defined in claim 130 wherein the means for providing the audience size information further comprises means for providing the audience size information to the user in a flip display.

148. (previously presented) The system defined in claim 130 wherein the means for providing the audience size information further comprises means for providing the audience size information to the user in a browse display.

149. (previously presented) The system defined in claim 130 wherein the means for providing the audience size information further comprises means for providing the audience size information to the user in a program listings display.

150. (previously presented) The system defined in claim 130 wherein the means for updating the audience size information further comprises means for updating the audience size information based on the number of times the plurality of audience members performed actions related to the upcoming program.

151. (previously presented) The system defined in claim 130 wherein the means for updating the audience size information further comprises means for updating the audience size information based on the number of times that

the plurality of audience members viewed program information related to the upcoming program.

152. (previously presented) The system defined in claim 130 wherein the means for updating the audience size information further comprises means for updating the audience size information based on the number of times that the plurality of audience members purchased the upcoming program.

153. (previously presented) The system defined in claim 130 wherein the means for updating the audience size information further comprises means for updating the audience size information based on the number of times that the plurality of audience members set reminders for the upcoming program.

154. (previously presented) The system defined in claim 130 wherein the means for updating the audience size information further comprises means for updating the audience size information based on the number of times that the plurality of audience members scheduled to record the upcoming program.

155. (previously presented) The system defined in claim 130 wherein the means for updating the audience size information further comprises means for updating the audience size information based on a user profile of an audience member from which an indication was received related to the upcoming program.

156. (previously presented) The system defined in claim 130 further comprising means for calculating audience size information for the upcoming program.

157. (previously presented) The system defined in claim 156 wherein the means for calculating the audience size information comprises means for calculating the audience size information based on assigning points to playback information.

158. (previously presented) The system defined in claim 156 wherein the means for calculating the audience size information further comprises means for accessing a table of grading information for assigning points to playback information.

159. (previously presented) A system for measuring audience size information based on playbacks of a recorded program comprising:

- a user input device;

- a display device; and

- an interactive television application

implemented at least partially on control circuitry and programmed to:

- receive indications of playbacks of the recorded program from a plurality of audience members;

- update audience size information for the recorded program in response to receiving the indications from the plurality of audience members; and

- direct the display device to provide the updated audience size information to at least one user within an interactive television application.

160. (original) The system defined in claim 159 wherein the recorded program is an audio program.

161. (original) The system defined in claim 159 wherein the recorded program is a television program.

162. (original) The system defined in claim 159 wherein the recorded program is a pay-per-view program.

163. (original) The system defined in claim 159 wherein the recorded program is a video-on-demand program.

164. (original) The system defined in claim 159 wherein the recorded program is a near-video-on-video program.

165. (cancelled)

166. (original) The system defined in claim 159 wherein the interactive television application is further programmed to update a market share of the recorded program.

167. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to update audience size information based on the number of times each audience member played back the recorded program.

168. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to:

receive an indication for a user-identified action from the user input device, wherein such action controls how the recorded program is played back;

execute the user-identified action in response to receiving the indication; and

update audience size information based on the user-identified action.

169. (original) The system defined in claim 168 wherein the user-identified action comprises actions selected from the group consisting of fast-forward, rewind, stop, pause, record, and play.

170. (cancelled)

171. (previously presented) The system defined in claim 159 wherein the interactive television application is an interactive television program guide.

172. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to direct the display device to provide an interactive indicator, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

173. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to allow the at least one user to

compare programs based on audience size information provided to the at least one user for the programs.

174. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a portion of the recorded program.

175. (original) The system defined in claim 174 wherein the portion of the recorded program is a scene within the recorded program.

176. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a genre of programs.

177. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to direct the display device to provide audience size information for the recorded program based on a time slot.

178. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to:

provide the audience size information for a subset of a plurality of audience members to the at least one user.

179. (previously presented) The system defined in claim 178 wherein the subset of the plurality of audience members is defined based on user demographics.

180. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the at least one user in a flip display.

181. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the at least one user in a browse display.

182. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the at least one user in a program listings display.

183. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to update audience size information based on a user profile of an audience member from which an indication was received related to the playback of the recorded program.

184. (previously presented) The system defined in claim 159 wherein the interactive television application is further programmed to calculate audience size.

185. (previously presented) The system defined in claim 184 wherein the interactive television application is further programmed to calculate the audience size information based on assigning points to playback information.

186. (original) The system defined in claim 184 wherein the interactive television application is further programmed to access a table of grading information for assigning points to playback information.

187. (previously presented) A system for providing audience size information with program listings in an interactive television application comprising:

a user input device;

a display device; and

an interactive television application implemented at least partially on control circuitry and programmed to:

receive an indication from the user input device that a user wishes to access one or more program listings;

calculate audience size information for a program corresponding to at least one of the one or more program listings, wherein the calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions [[of]] performed by a plurality of audience members; and

direct the display device to provide the one or more program listings in response to the indication, wherein at least one of the one or more program

listings includes audience size information for a program corresponding to a program listing.

188. (original) The system defined in claim 187 wherein the program is an audio program.

189. (original) The system defined in claim 187 wherein the program is a television program.

190. (original) The system defined in claim 187 wherein the program is a pay-per-view program.

191. (original) The system defined in claim 187 wherein the program is a video-on-demand program.

192. (original) The system defined in claim 187 wherein the program is a near-video-on-video program.

193. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to direct the display device to provide an interactive indicator that notifies the user when audience size information is available, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

194. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to allow the user to compare programs based on audience size information provided to the user for the programs.

195. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a portion of the program.

196. (original) The system defined in claim 195 wherein the portion of the program is a scene within the program.

197. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a genre of programs.

198. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to provide the audience size information for the program based on a time slot.

199. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a subset of the plurality of audience members to the user.

200. (previously presented) The system defined in claim 199 wherein the subset of the plurality of audience members is defined based on user demographics.

201. (previously presented) The system defined in claim 187 wherein the interactive television application is

further programmed to direct the display device to provide audience size information to the user in a flip display.

202. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the user in a browse display.

203. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the user in a program listings display.

204. (previously presented) The system defined in claim 187 wherein the interactive television application is further programmed to update audience size information based on a user profile of an audience member from which an indication was received.

205-207. (cancelled)

208. (original) The system defined in claim 187 wherein the interactive television application is an interactive television program guide.

209. (previously presented) A system for measuring audience size information for an upcoming program in an interactive television application comprising:
a user input device; and

an interactive television application implemented at least partially on control circuitry and programmed to:

receive indications from a plurality of audience members to perform actions related to the upcoming program;

update audience size information for the upcoming program in response to receiving the indications; and

direct to display device to provide the audience size information to at least one user within the interactive television application.

210. (original) The system defined in claim 209 wherein the upcoming program is an audio program.

211. (original) The system defined in claim 209 wherein the upcoming program is a television program.

212. (original) The system defined in claim 209 wherein the upcoming program is a pay-per-view program.

213. (original) The system defined in claim 209 wherein the upcoming program is a video-on-demand program.

214. (original) The system defined in claim 209 wherein the upcoming program is a near-video-on-video program.

215. (cancelled)

216. (original) The system defined in claim 209 wherein the interactive television application is further programmed to update a market share of the upcoming program.

217. (cancelled)

218. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide an interactive indicator that notifies the user when audience size information is available, wherein the interactive indicator comprises content selected from the group consisting of text, graphics, audio, video, and animation.

219. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to allow the user to compare programs based on audience size information provided to the user for the programs.

220. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a portion of the upcoming program.

221. (previously presented) The system defined in claim 209 wherein the portion of the upcoming program is a scene within the upcoming program.

222. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a genre of programs.

223. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide the audience size information for the upcoming program based on a time slot.

224. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide audience size information for a subset of the plurality audience members to the user.

225. (previously presented) The system defined in claim 224 wherein the subset of the plurality of audience members is defined based on user demographics.

226. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the user in a flip display.

227. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the user in a browse display.

228. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to direct the display device to provide audience size information to the user in a program listings display.

229. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to update the audience size information based on the number of times the plurality of audience members performed actions related to the upcoming program.

230. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to update the audience size information based on the number of times that the plurality of audience members viewed program information related to the upcoming program.

231. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to update the audience size information based on the number of times that the plurality of audience members purchased the upcoming program.

232. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to update the audience size information based on the number of times that the plurality of audience members set reminders for the upcoming program.

233. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to update the audience size information based on the number of times that the plurality of audience members scheduled to record the upcoming program.

234. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to update audience size information based on a user profile of an audience member from which an indication was received related to the upcoming program.

235. (previously presented) The system defined in claim 209 wherein the interactive television application is further programmed to calculate audience size information for the upcoming program.

236. (previously presented) The system defined in claim 235 wherein the interactive television application is further programmed to calculate the audience size information based on assigning points to playback information.

237. (original) The system defined in claim 235 wherein the interactive television application is further programmed to access a table of grading information for assigning points to playback information.

(ix.) Evidence Appendix

COPY OF THE FINAL OFFICE ACTION DATED MARCH 22, 2007



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,705	03/30/2001	David M. Berczowski	UV-193	7437
1473 7590 03/22/2007 FISH & NEAVE IP GROUP ROPES & GRAY LLP 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

RECEIVED

MAR 27 2007

ROPES & GRAY LLP PATENT DEPT
REFERRED TO: Mr. [Signature]
NOTED BY: MSB

File No. UV/193
Action Desc: RESP TO FINAL O/A
Due Date: Jun 22, 2007
By: [Signature]

File No. UV/193
Action Desc: Notice of Appeal Due
Due Date: Sept 22, 2007
By: [Signature]

Office Action Summary

Application No.

09/823,705

Applicant(s)

BEREZOWSKI ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/6/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-6,8-11,13-46,50-56,58,60-85,87-90,92-125,129-135,137,139-164,166-169,171-204,208-214,216 and 218-237.

Continuation of Disposition of Claims: Claims rejected are 1-6,8-11,13-46,50-56,58,60-85,87-90,92-125,129-135,137,139-164,166-169,171-204,208-214,216 and 218-237.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/21/06 have been fully considered but they are not persuasive.

With respect to claims 1-6, 9-11, 13-46, 50-56, 60-85, 88-90, 92-135, 139-164, 167-169, 171-204, 208-214, 218-237 are rejected under 35 U.S.C. 102(e) as being anticipated by **Maissel et al (6,637,029)**, and claims 8, 58, 87, 137, 166 and 216 rejected under 35 U.S.C. 103(a) as being unpatentable over **Maissel et al (6,637,029)** in view of **Hendricks et al (6,539,548)**, applicant discusses the claimed invention and parts of the disclosure which are not in the claim limitations and further argues, with respect to independent claims 1, 29, 108 and 187, that "...Maissel does not show providing audience information for recorded programming..." that "...only refers to providing audience size information based only on programs currently broadcast..." that "...Maissel does not show or suggest all of the elements of independent claim 29...assigning a predetermined quality of points to actions of audience members to more accurately calculate audience size information..." that "...user's selected actions with...(PVR) device.." etc., and further argues with respect to independent claims 51, 130 and 209 that "...Maissel does not show updating audience size information based on users viewing upcoming programs..." (see page labeled 2+ of applicant's Remarks).

In response, Examiner disagrees. Examiner, notes applicant's argues, however, Maissel discloses a monitoring agent that monitors viewing behavior of user with respect to pay TV systems and non-pay or free TV systems (col.2, line 65-col.3, line 8

and col.19, lines 1-15), generates customizes schedule for viewers and provides audiences information to viewers with respect to programs currently being watch or not watched (col.5, line 56-col.6, line 18, col.8, lines 30-45 and col.19, lines 1-15). The Pay program, non-pay or free programs, popular programs (col.12, line 67), movies and NVOD (col.19, lines 1-15), etc., are all recorded programs and the monitoring agent monitors viewers behavior, actions or indications as to playbacks of these recorded programs at the headend, generates these analysis for presentation to at least one viewer (col.19, lines 1-49). Furthermore the viewing behavior data includes various viewer actions, such as, length of portions of viewed programs, preference strength (how strongly a certain program or type of program is preferred), percentage of all occurrences of the programs that were viewed, channel surfing behavior (actions of the viewers), where the viewer behavior data is determined based on these actions, compared to a predetermined threshold (col.4, lines 30-51 and col.8, lines 30-45) and further uses rule-base abstracted method to generate various on-screen alerts to display behavior data or audience data of current programs being watched and programs not being watched (which meets the claim limitation "calculating audience size information...based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by...audience members..."). Maissel further discloses that the audience viewing information includes "...indication of a proportion of an audience currently viewing a program...the program includes a program currently being viewed by a viewer...the program includes a program not currently being viewed by a viewer..."(col.5, line 51-col.6, line 19). With respect to

applicant's Remarks, as to user's selected actions, such as, playing, pausing, rewinding, etc., with PVR device, Examiner further notes applicant's remarks, however this limitation is not recited in the claim limitations. Hence, applicant's arguments are not persuasive, the 102(e) rejection of all the independent claims and their dependent claims, including the 103(a) rejection of other dependent claims, are proper, meet all the claim limitations, maintained as repeated below. **This office action is made Final**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 9-11, 13-46, 50-56, 60-85, 88-90, 92-135, 139-164, 167-169, 171-204, 208-214, 218-237 are rejected under 35 U.S.C. 102(e) as being anticipated by **Maissel et al (6,637,029)** previously cited.

As to claims 1, 29 and 51, note the **Maissel** reference discloses figures 1-2 and 9, discloses an intelligent electronic program guide (EPG) and further discloses a method: for measuring audience information based on playbacks of a recorded program, for providing audience information with program listings in an interactive

television application, for measuring audience information for upcoming program in an interactive application, comprising,

A user input device (Remote Control, col.10, lines 54-62); A display device (Television, col.9, lines 59-col.10, line 21);

Receiving indications (Headend 'HE' 340) of playbacks of the recorded program from a plurality of audience members (figs.1, 8, 9, col.2, line 65-col.3, line 8, col.5, line 51-col.6, line 19, col.8, lines 30-45, col.18, lines 29-66 and col.19, lines 1-23);

Updating (HE-340) audience size information for the recorded program in response to receiving the indications from the plurality of audience members, where the calculating audience size information for a program corresponding to at least one of the one or more listings, where the calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members (col.5, line 51-col.6, line 19, col.8, line 30-45, col.13, lines 9-34, col.19, lines 16-49 and line 58-col.20, line 1+); and providing the providing the updated audience size information to at least one user within an interactive television application (col.5, line 51-col.6, line 19, col.8, line 30-45, col.19, lines 16-49 and line 58-col.20, line 1+), note that HE monitoring agent, monitors in real time basis information on a proportion or percentage of audiences viewing a particular program such as NVOD, MOVIE, etc., and transmits viewer behavior data or on-screen alerts information of proportion of an audience currently viewing the program and further transmits behavior data or on-screen alerts of a program not currently being viewed by a viewer,

in real-time to subscribers upon receiving and indications from the subscriber(s) as to the playbacks of recorded program.

As to claim 2, Maissel further discloses where the recorded program is audio program (col.10, lines 23-66, col.11, lines 8-64 and col.21, lines 34-64).

As to claim 3, Maissel further discloses where the recorded program is television program (col.10, lines 23-62 and col.11, lines 8-64).

As to claim 4, Maissel further discloses where the recorded program is PPV program (col.10, lines 23-62, col.11, lines 8-64 and col.19, lines 1-15).

As to claim 5, Maissel further discloses where the recorded program is VOD program (col.10, lines 23-62, col.11, lines 8-64 and col.19, lines 1-15).

As to claim 6, Maissel further discloses where the recorded program is NVOD program (col.10, lines 23-62, col.11, lines 8-64 and col.19, lines 1-15).

As to claim 9, Maissel further discloses updating audience information based on the number of times each audience member played back the recorded program (col.11, lines 8-64 and col.19, lines 1-49)

As to claims 10 and 11, Maissel further discloses receiving an indication for a user interactions where such action controls how the how the recorded program is played back, executing the user's interactions in response to receiving the request and updating audience information based on the user's interactions comprises actions such as record and play, watched programs, purchased programs, etc., (col.11, lines 8-64, col.16, lines 26-63, col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 13, Maissel further discloses where the ITV application is an ITV program guide (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 14, Maissel further discloses providing an interactive indicator that notifies the user when the audience information is available, where the interactive indicator comprises content selected from text, graphics, audio, video and animation (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 15, Maissel further discloses allowing the user to compare programs based on audience information distributed to the user for the programs (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 16, Maissel further discloses providing the audience information for a portion of the recorded program (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 17, Maissel further discloses where the portion is a scene within the recorded program (col.18, lines 35-67 and col.19, line 9-col.20, line 59)

As to claim 18, Maissel further discloses providing the audience information for genre of programs (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 19, Maissel further discloses providing the audience information for the recorded program based on a time slot (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 20, Maissel further discloses distributing audience information to a plurality of users and audience information for a subset of plurality of users to the user (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 21, Maissel further discloses where the subset of plurality of users is defined on user demographics (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claims 22-23, Maissel further teaches monitoring the users action on flip display or channel change and browsing display of surfing (col. 16, lines 26-36 and col. 17, lines 17-50).

As to claim 24, Maissel further discloses providing the audience information to the user in program listings display (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 25, Maissel further discloses updating the audience information based on a user profile of a user from which the indication was received related to the playback of the recorded program (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

As to claim 26-28, Maissel further discloses calculating audience size for the recorded program, based on weightings to playback information and accessing a table of grading information for assigning points to playback information (col.18, lines 35-67 and col.19, line 9-col.20, line 59).

Claim 30 is met as previously discussed with respect to claim 2.

Claim 31 is met as previously discussed with respect to claim 3.

Claim 32 is met as previously discussed with respect to claim 4.

Claim 33 is met as previously discussed with respect to claim 5.

Claim 34 is met as previously discussed with respect to claim 6.

Claim 35 is met as previously discussed with respect to claim 14.

Claim 36 is met as previously discussed with respect to claim 15.

Claim 37 is met as previously discussed with respect to claim 16.

Claim 38 is met as previously discussed with respect to claim 17.

Claim 39 is met as previously discussed with respect to claim 18.

Claim 40 is met as previously discussed with respect to claim 19.

Claim 41 is met as previously discussed with respect to claim 20.

Claim 42 is met as previously discussed with respect to claim 21.

Claims 43-44 are met as previously discussed with respect to claims 22-23.

Claim 45 is met as previously discussed with respect to claim 24.

Claim 46 is met as previously discussed with respect to claim 25.

Claim 50 is met as previously discussed with respect to claim 13.

Claim 51 is met as previously discussed with respect to claim 2.

Claim 52 is met as previously discussed with respect to claim 2.

Claim 53 is met as previously discussed with respect to claim 3.

Claim 54 is met as previously discussed with respect to claim 4.

Claim 55 is met as previously discussed with respect to claim 5.

Claim 56 is met as previously discussed with respect to claim 6.

Claim 60 is met as previously discussed with respect to claim 14.

Claim 62 is met as previously discussed with respect to claim 15.

Claim 63 is met as previously discussed with respect to claim 16.

Claim 64 is met as previously discussed with respect to claim 17.

Claim 65 is met as previously discussed with respect to claim 19.

Claim 66 is met as previously discussed with respect to claim 20.

Claim 67 is met as previously discussed with respect to claim 21.

Claims 68-69 are met as previously discussed with respect to claims 22-23.

Claim 70 is met as previously discussed with respect to claim 24.

Claim 71 is met as previously discussed with respect to claim 9.

Claim 72 is met as previously discussed with respect to claims 10-11.

Claim 73 is met as previously discussed with respect to claims 10-11.

Claim 74 is met as previously discussed with respect to claims 10-11.

Claim 75 is met as previously discussed with respect to claims 10-11.

Claim 76 is met as previously discussed with respect to claims 10-11.

Claims 77-79 are met as previously discussed with respect to claims 26-28.

As to claims 80, 108, 130, 159, 187 and 209, Maissel further discloses "a system: for measuring audience information based on playbacks of a recorded program, for providing audience information with program listings in an interactive television application, for measuring audience information for upcoming program in an interactive application..." as previously discussed with respect to the rejection of claim 1.

Claim 81 is met as previously discussed with respect to claim 2.

Claim 82 is met as previously discussed with respect to claim 3.

Claim 83 is met as previously discussed with respect to claim 4.

Claim 84 is met as previously discussed with respect to claim 5.

Claim 85 is met as previously discussed with respect to claim 6.

Claim 88 is met as previously discussed with respect to claim 9.

Claim 89 is met as previously discussed with respect to claim 10.

Claim 90 is met as previously discussed with respect to claim 11.

Claim 92 is met as previously discussed with respect to claim 13.

Claim 93 is met as previously discussed with respect to claim 14.

Claim 94 is met as previously discussed with respect to claim 15.

Claim 95 is met as previously discussed with respect to claim 16.

Claim 96 is met as previously discussed with respect to claim 17.

Claim 97 is met as previously discussed with respect to claim 18.

Claim 98 is met as previously discussed with respect to claim 19.

Claim 99 is met as previously discussed with respect to claim 20.

Claim 100 is met as previously discussed with respect to claim 21.

Claims 101-102 are met as previously discussed with respect to claims 22-23.

Claim 103 is met as previously discussed with respect to claim 24.

Claim 104 is met as previously discussed with respect to claim 25.

Claims 105-107 are met as previously discussed with respect to claims 26-28.

Claim 109 is met as previously discussed with respect to claim 2.

Claim 110 is met as previously discussed with respect to claim 3.

Claim 111 is met as previously discussed with respect to claim 4.

Claim 112 is met as previously discussed with respect to claim 5.

Claim 113 is met as previously discussed with respect to claim 6.

Claim 114 is met as previously discussed with respect to claim 14.

Claim 115 is met as previously discussed with respect to claim 15.

Claim 116 is met as previously discussed with respect to claim 16.

Claim 117 is met as previously discussed with respect to claim 17.
Claim 118 is met as previously discussed with respect to claim 18.
Claim 119 is met as previously discussed with respect to claim 19.
Claim 120 is met as previously discussed with respect to claim 20.
Claim 121 is met as previously discussed with respect to claim 21.
Claim 124 is met as previously discussed with respect to claim 24.
Claim 125 is met as previously discussed with respect to claim 25.
Claim 129 is met as previously discussed with respect to claims 13.
Claim 131 is met as previously discussed with respect to claim 2.
Claim 132 is met as previously discussed with respect to claim 3.
Claim 133 is met as previously discussed with respect to claim 4.
Claim 134 is met as previously discussed with respect to claim 5.
Claim 135 is met as previously discussed with respect to claim 6.
Claim 139 is met as previously discussed with respect to claim 14.
Claim 140 is met as previously discussed with respect to claim 15.
Claim 141 is met as previously discussed with respect to claim 16.
Claim 142 is met as previously discussed with respect to claim 17.
Claim 143 is met as previously discussed with respect to claim 18.
Claim 144 is met as previously discussed with respect to claim 19.
Claim 145 is met as previously discussed with respect to claim 20.
Claim 146 is met as previously discussed with respect to claim 21.
Claims 147-148 are met as previously discussed with respect to claims 22-23.

Claim 149 is met as previously discussed with respect to claim 24.

Claim 150 is met as previously discussed with respect to claims 10-11.

Claim 151 is met as previously discussed with respect to claims 10-11.

Claim 152 is met as previously discussed with respect to claims 10-11.

Claim 153 is met as previously discussed with respect to claims 10-11.

Claim 154 is met as previously discussed with respect to claims 10-11.

Claim 155 is met as previously discussed with respect to claim 25.

Claims 156-158 are met as previously discussed with respect to claims 26-28.

Claim 160 is met as previously discussed with respect to claim 2.

Claim 161 is met as previously discussed with respect to claim 3.

Claim 162 is met as previously discussed with respect to claim 4.

Claim 163 is met as previously discussed with respect to claim 5.

Claim 164 is met as previously discussed with respect to claim 6.

Claim 167 is met as previously discussed with respect to claim 9.

Claim 168 is met as previously discussed with respect to claim 10.

Claim 169 is met as previously discussed with respect to claim 11.

Claim 171 is met as previously discussed with respect to claim 13.

Claim 172 is met as previously discussed with respect to claim 14.

Claim 173 is met as previously discussed with respect to claim 15.

Claim 174 is met as previously discussed with respect to claim 16.

Claim 175 is met as previously discussed with respect to claim 17.

Claim 176 is met as previously discussed with respect to claim 18.

Claim 177 is met as previously discussed with respect to claim 19.

Claim 178 is met as previously discussed with respect to claim 20.

Claim 179 is met as previously discussed with respect to claim 21.

Claims 180-181 are met as previously discussed with respect to claims 22-23.

Claim 182 is met as previously discussed with respect to claim 24.

Claim 183 is met as previously discussed with respect to claim 25.

Claims 184-186 are met as previously discussed with respect to claims 26-28.

Claim 188 is met as previously discussed with respect to claim 2.

Claim 189 is met as previously discussed with respect to claim 3.

Claim 190 is met as previously discussed with respect to claim 4.

Claim 191 is met as previously discussed with respect to claim 5.

Claim 192 is met as previously discussed with respect to claim 6.

Claim 193 is met as previously discussed with respect to claim 14.

Claim 194 is met as previously discussed with respect to claim 15.

Claim 195 is met as previously discussed with respect to claim 16.

Claim 196 is met as previously discussed with respect to claim 17.

Claim 197 is met as previously discussed with respect to claim 18.

Claim 198 is met as previously discussed with respect to claim 19.

Claim 199 is met as previously discussed with respect to claim 20.

Claim 200 is met as previously discussed with respect to claim 21.

Claims 201-202 are met as previously discussed with respect to claims 22-23.

Claim 203 is met as previously discussed with respect to claim 24.

Claim 204 is met as previously discussed with respect to claim 25.

Claim 208 is met as previously discussed with respect to claims 13.

Claim 210 is met as previously discussed with respect to claim 2.

Claim 211 is met as previously discussed with respect to claim 3.

Claim 212 is met as previously discussed with respect to claim 4.

Claim 213 is met as previously discussed with respect to claim 5.

Claim 214 is met as previously discussed with respect to claim 6.

Claim 218 is met as previously discussed with respect to claim 14.

Claim 219 is met as previously discussed with respect to claim 15.

Claim 220 is met as previously discussed with respect to claim 16.

Claim 221 is met as previously discussed with respect to claim 17.

Claim 222 is met as previously discussed with respect to claim 18.

Claim 223 is met as previously discussed with respect to claim 19.

Claim 224 is met as previously discussed with respect to claim 20.

Claim 225 is met as previously discussed with respect to claim 21.

Claims 226-227 are met as previously discussed with respect to claims 22-23.

Claim 228 is met as previously discussed with respect to claim 24.

Claim 229 is met as previously discussed with respect to claims 10-11.

Claim 230 is met as previously discussed with respect to claims 10-11.

Claim 231 is met as previously discussed with respect to claims 10-11.

Claim 232 is met as previously discussed with respect to claims 10-11.

Claim 233 is met as previously discussed with respect to claims 10-11.

Claim 234 is met as previously discussed with respect to claim 25.

Claims 235-237 are met as previously discussed with respect to claims 26-28.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 58, 87, 137, 166 and 216 rejected under 35 U.S.C. 103(a) as being unpatentable over **Maissel et al (6,637,029)** as applied to claims 1, 51, 80, 130, 159 and 209 above and in view of **Hendricks et al (6,539,548)**.

As to claims 8, 58, 87, 137, 166 and 216, Maissel fails to explicitly teach updating market share of the recorded programs.

However, note **Hendricks** teaches analyzing rating for television shows to determine the appropriate schedule or program lineup to gain market share and revenue from advertising.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hendricks into the system Maissel to provide interesting programs to users, to gain a higher market share than other competitors.

Conclusion

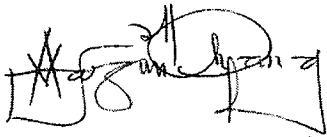
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

Annan Q. Shang

COPY OF MAISSEL ET AL. U.S. PATENT NO. 6,637,029



US006637029B1

(12) **United States Patent**
Maissel et al.(10) **Patent No.:** **US 6,637,029 B1**
(45) **Date of Patent:** **Oct. 21, 2003**(54) **INTELLIGENT ELECTRONIC PROGRAM GUIDE**3,682,363 A 8/1972 Hull
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Primary Examiner—Andrew Faile*Assistant Examiner*—Hai V. Tran(74) *Attorney, Agent, or Firm*—Welsh & Katz, Ltd.(75) **Inventors:** **Jonathan Maissel**, Jerusalem (IL); **Amir Eilat**, Tel Aviv (IL); **Yossef Tsuria**, Shoham (IL); **Moshe Kranc**, Jerusalem (IL); **Yishai Sered**, Jerusalem (IL); **Gershon Bar-On**, Mizrah Binyamin (IL); **Shabtai Atlow**, Efrat (IL); **David Zviel**, Efrat (IL)(73) **Assignee:** **NDS Limited**, Staines (GB)(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.(21) **Appl. No.:** **09/242,871**(22) **PCT Filed:** **Jun. 30, 1998**(86) **PCT No.:** **PCT/IL98/00307**

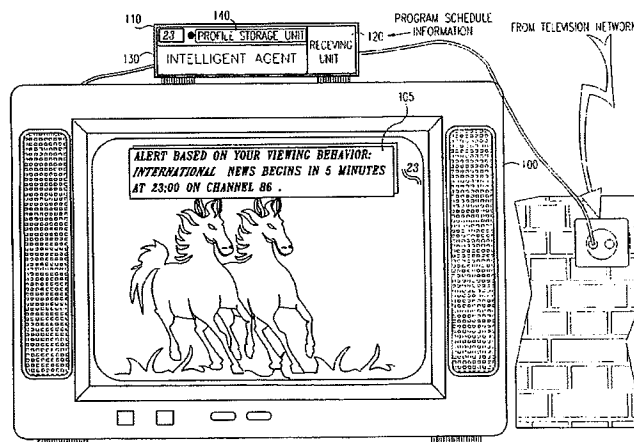
§ 371 (c)(1),

(2), (4) **Date:** **Jun. 10, 1999**(87) **PCT Pub. No.:** **WO99/01984****PCT Pub. Date:** **Jan. 14, 1999**(30) **Foreign Application Priority Data**

Jul. 3, 1997 (IL) 121230

(51) **Int. Cl.⁷** **H04N 5/445; G06F 3/00; G06F 13/00; G09G 5/00**(52) **U.S. Cl.** **725/46; 725/39; 725/43; 345/854; 345/804**(58) **Field of Search** **725/32-34, 37-40, 725/43-46; 386/125; 345/721, 804, 853-854; 358/86**(56) **References Cited****U.S. PATENT DOCUMENTS**3,341,833 A 9/1967 Jones
3,645,539 A 2/1972 Jenkins(57) **ABSTRACT**

A subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information, a profile storage unit for storing at least one viewer preference profile of at least one television viewer, an intelligent agent for customizing the program schedule information based, at least in part, on the viewer preference profile, to produce a program guide including customized program schedule information, and display apparatus for displaying the program guide.

20 Claims, 21 Drawing Sheets

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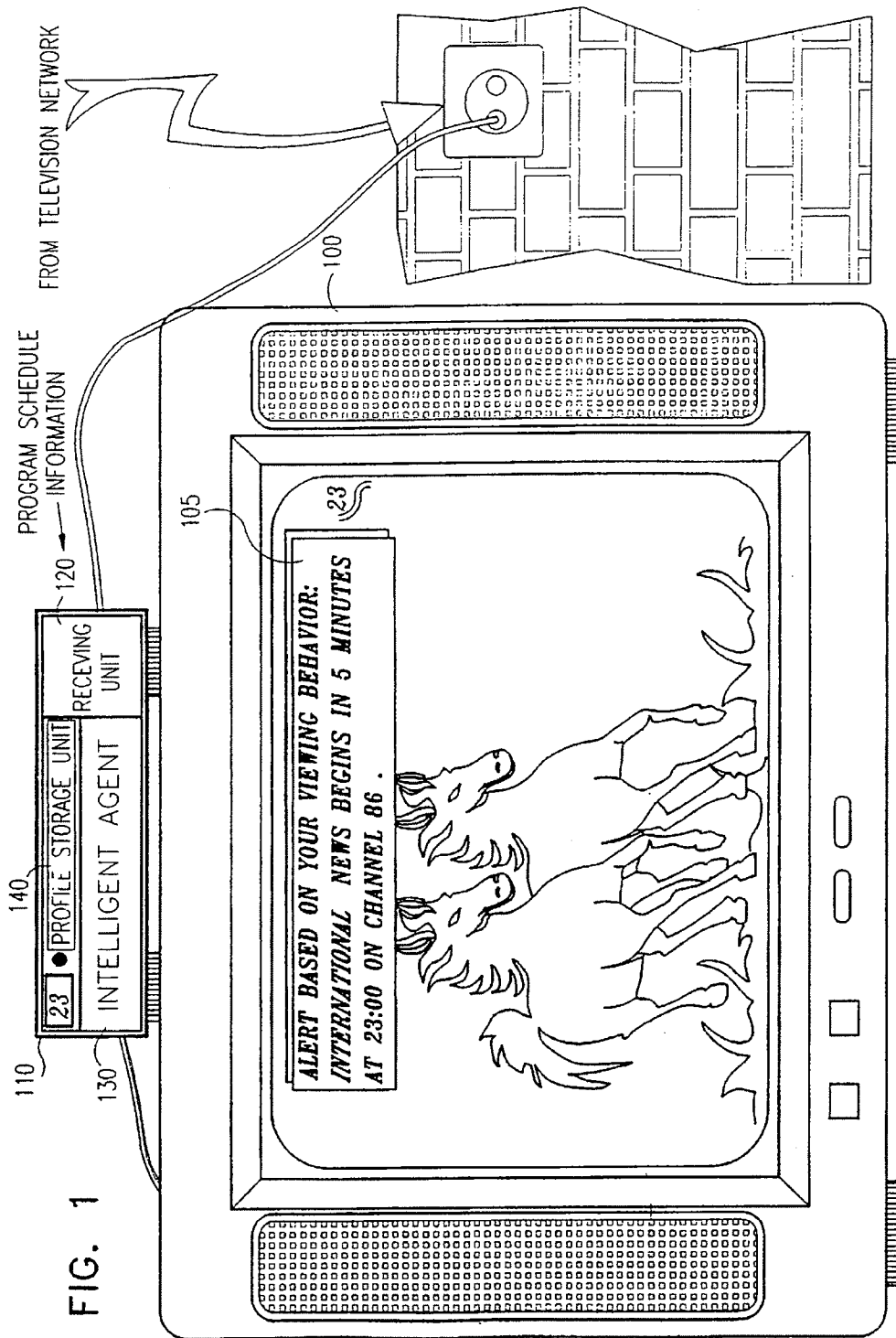
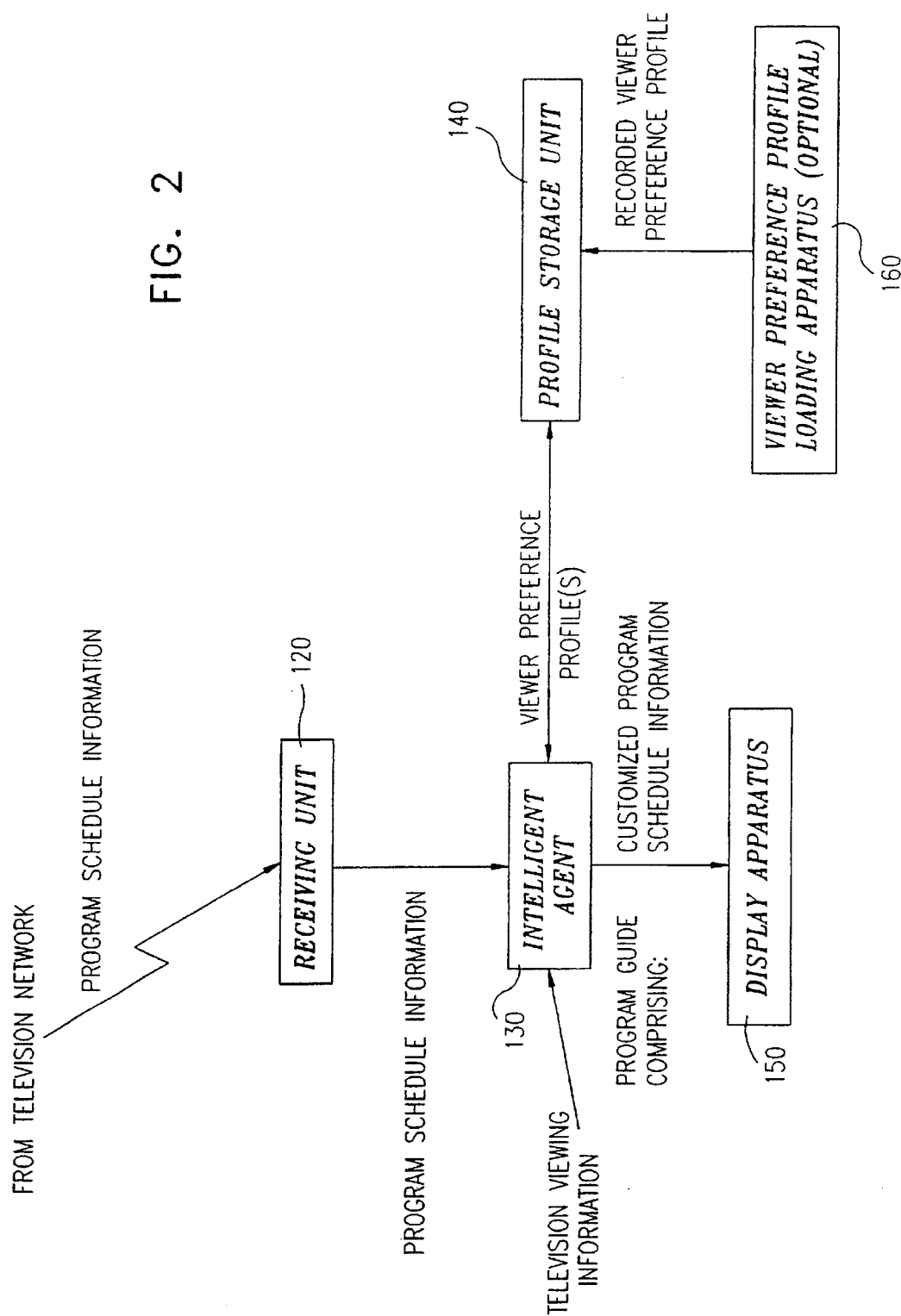


FIG. 2



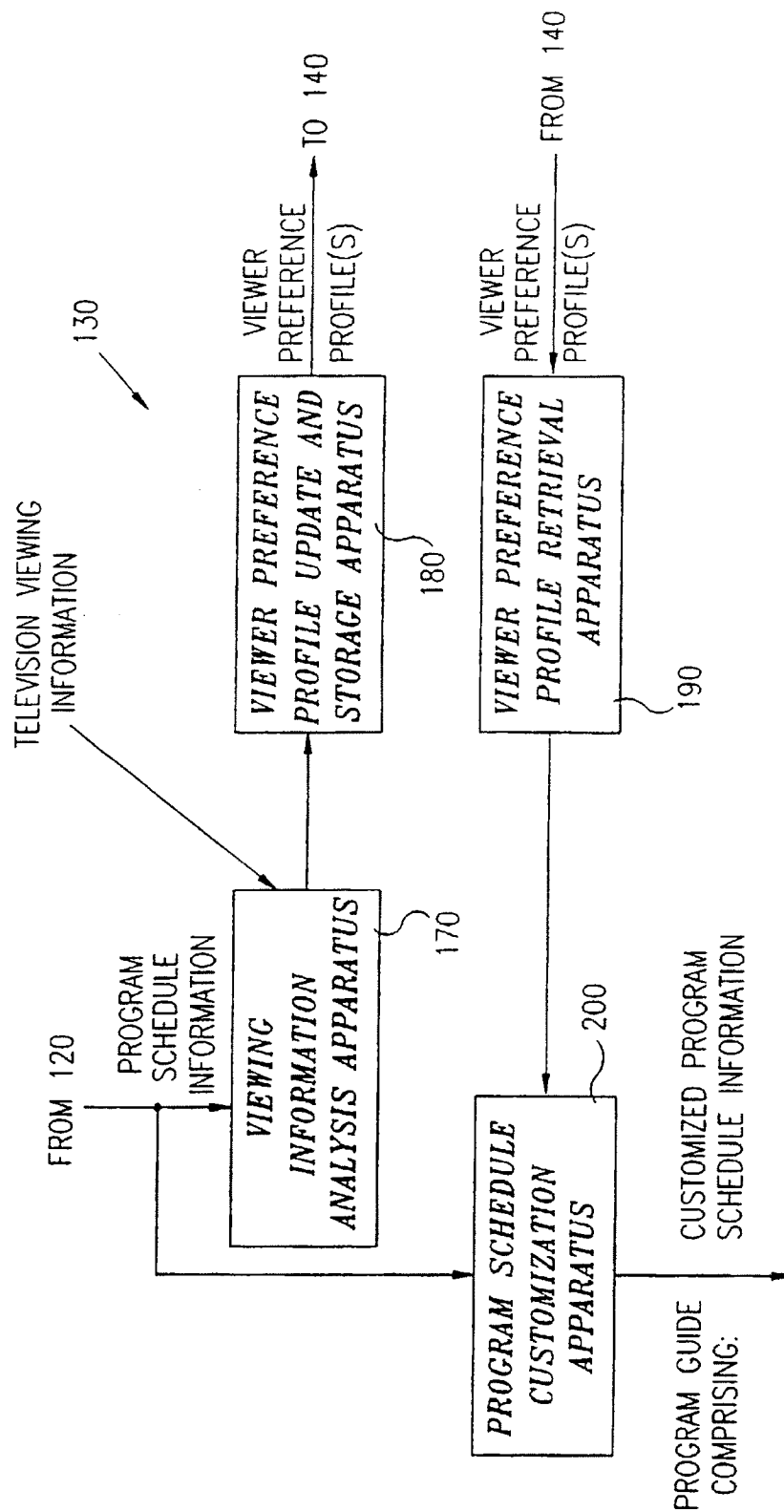
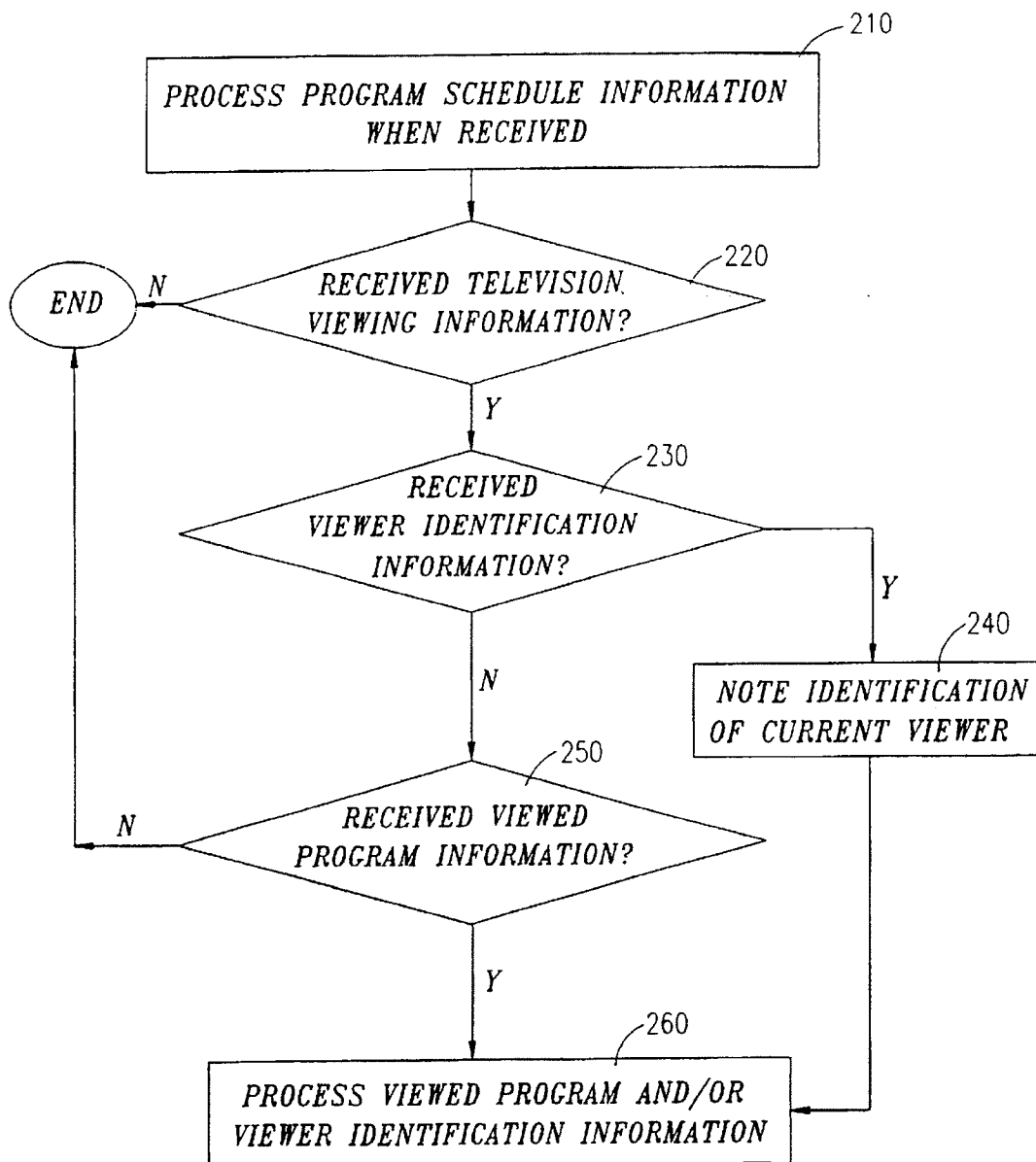


FIG. 3

FIG. 4



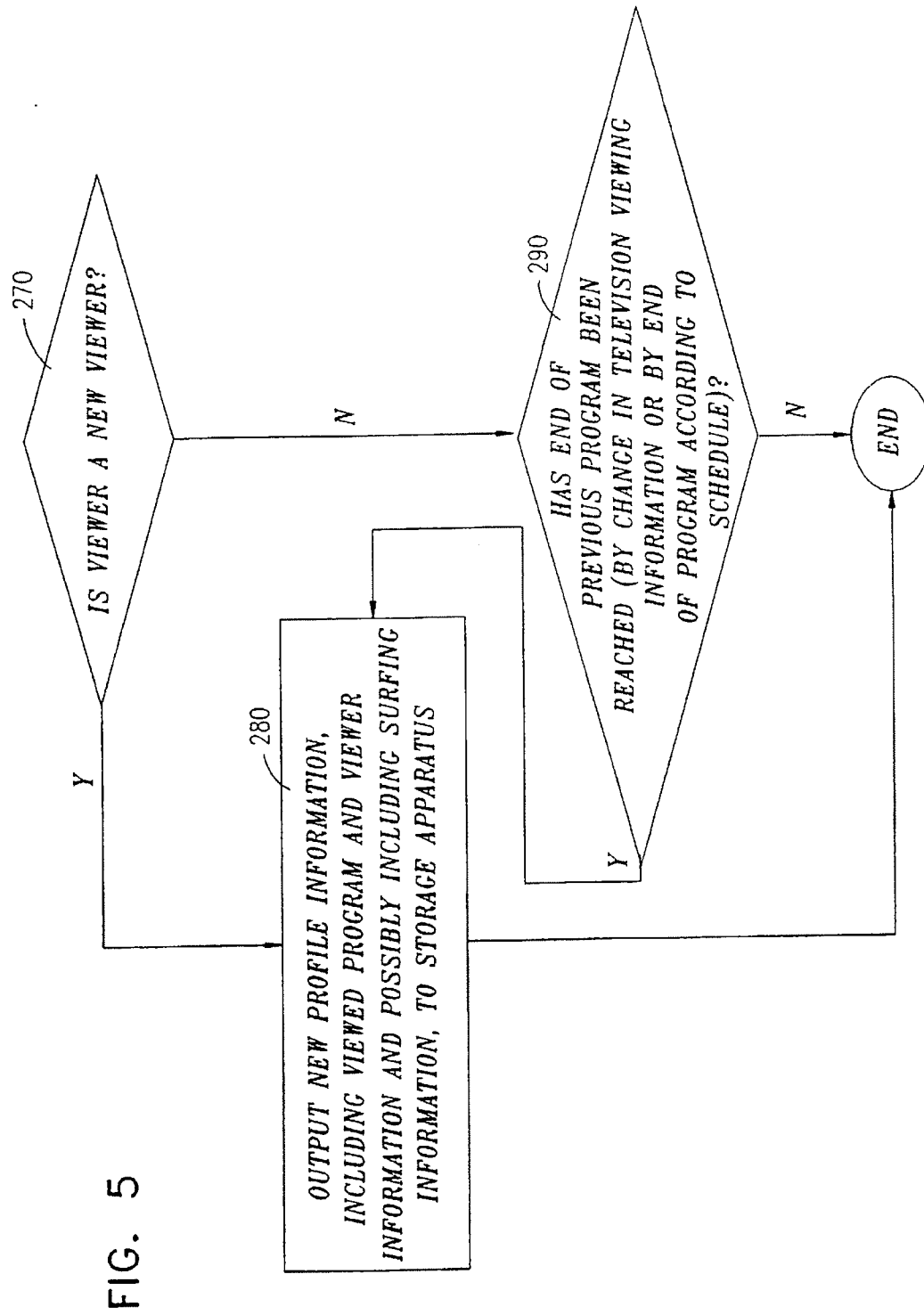


FIG. 6

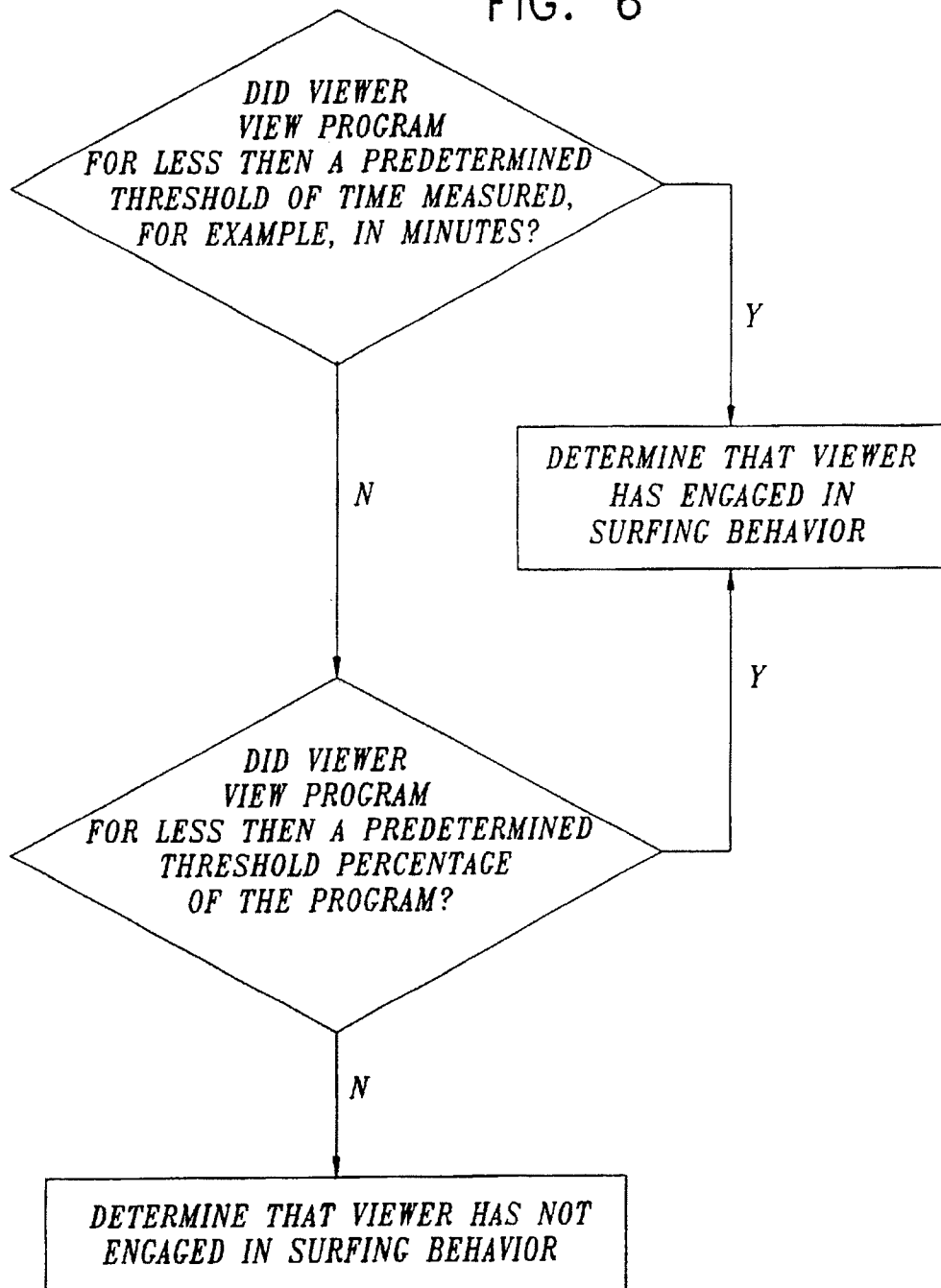
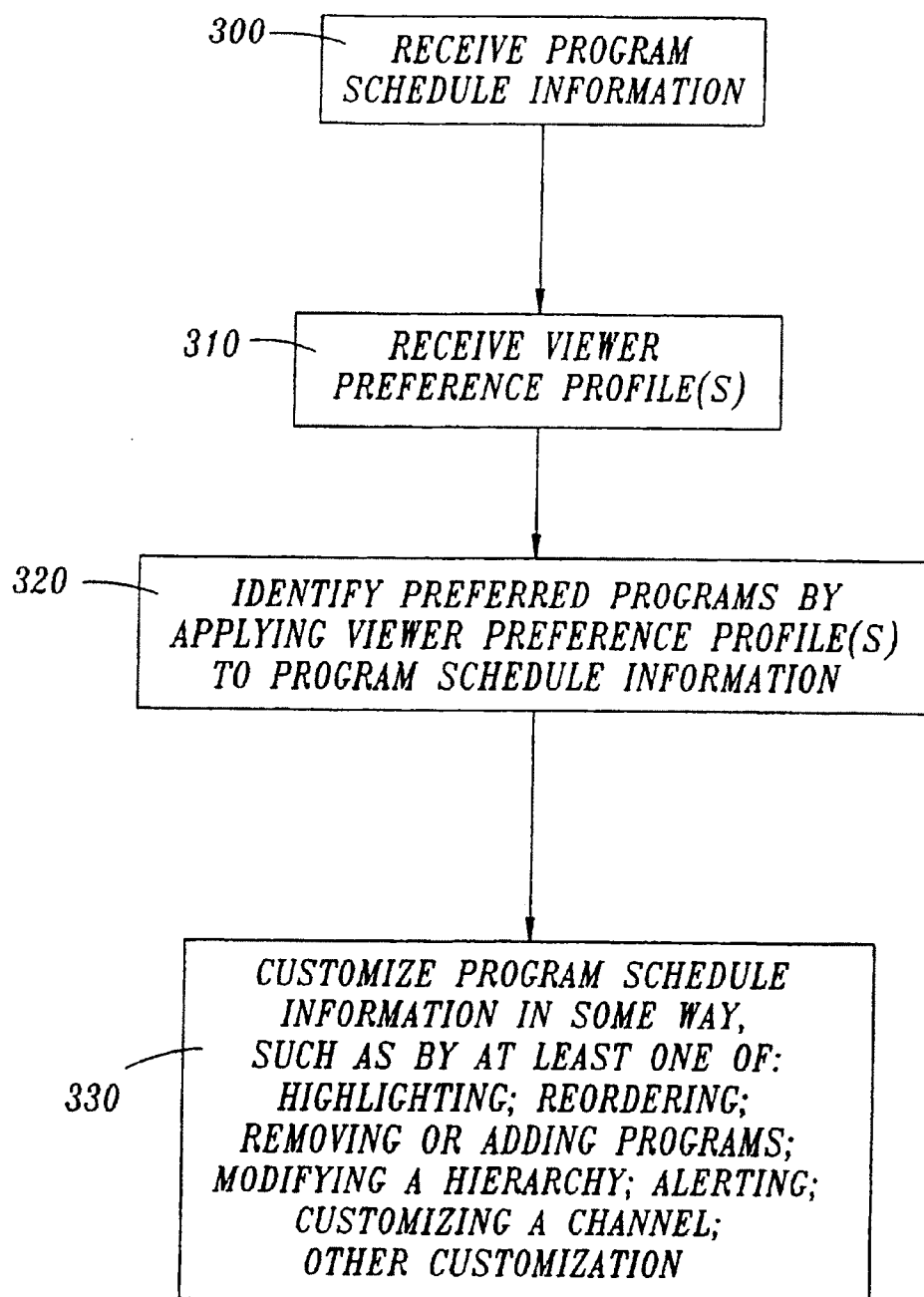
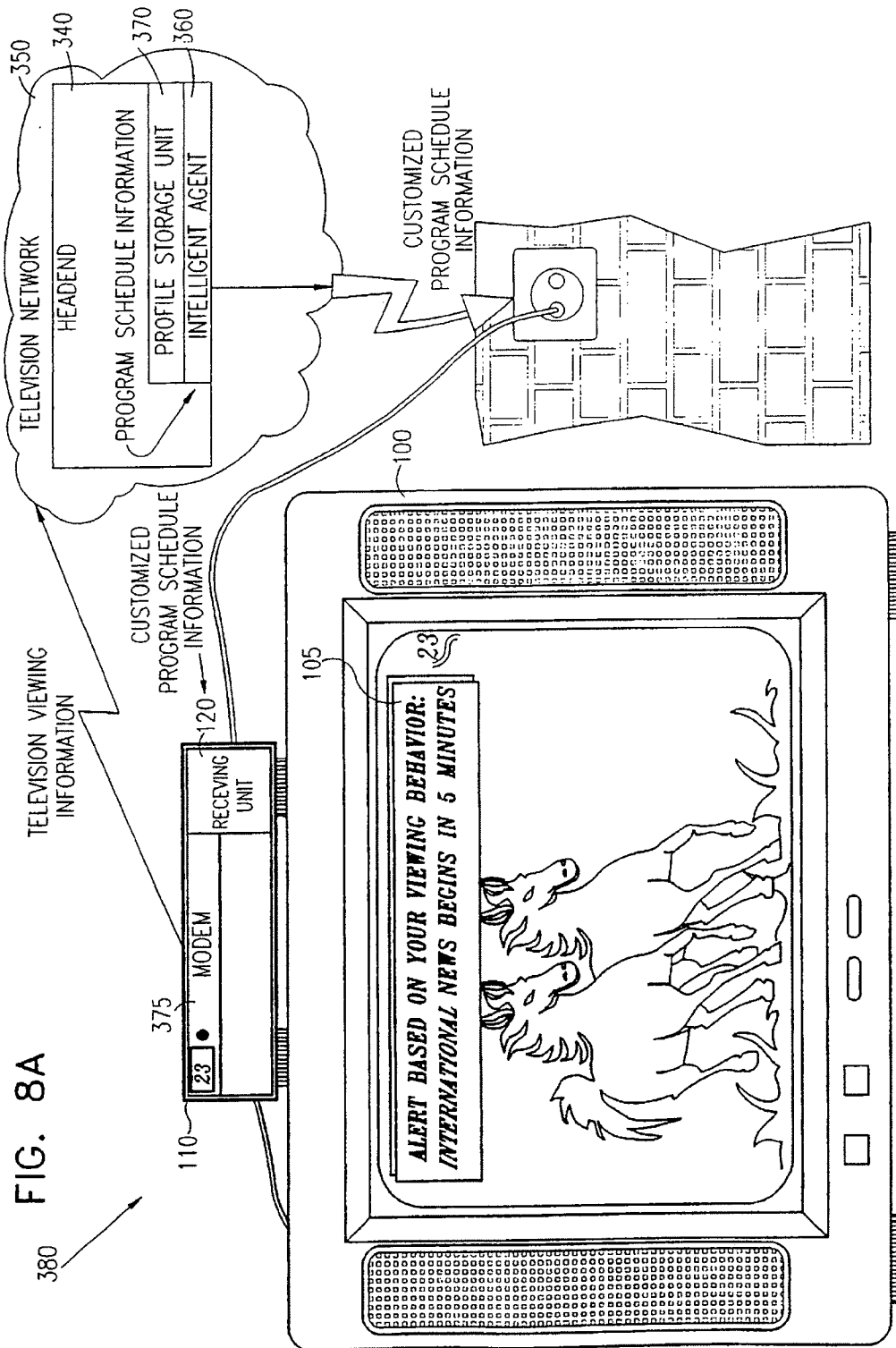


FIG. 7





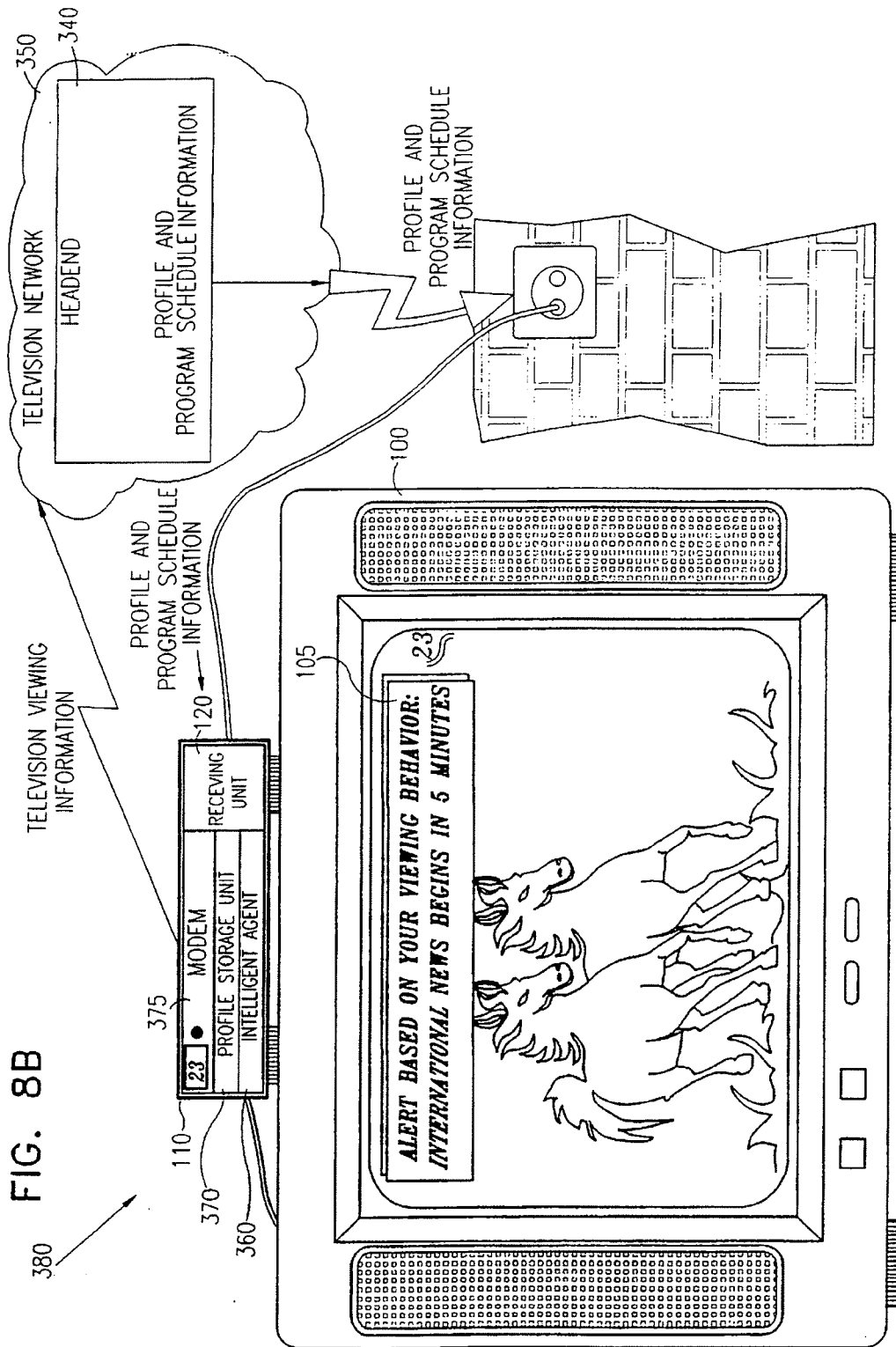


FIG. 9A

CHANNEL	TIME	18:00	19:00	20:00	21:00
MOVIES 1		OVER THE TOP WITH J. SMITH	THE NEXT CHAPTER...		
MOVIES 2		UNDER THE SEA	WALKING THROUGH GEORGIA	THE MAN...	
CNN		NEWS	NEWS	NEWS	NEWS
LOCAL 1		NEWS	IMPROVS	NEWS	AFTER...
LOCAL 2		OUTTAKES	YESTERDAY	TRAVELOGUE	NEWS

FIG. 9B

CHANNEL	TIME	18:00	19:00	20:00	21:00
MOVIES 1		OVER THE TOP WITH J. SMITH	THE NEXT CHAPTER WITH...		
MOVIES 2		UNDER THE SEA	WALKING THROUGH GEORGIA	THE MAN...	
CNN		NEWS	NEWS	NEWS -	NEWS
LOCAL 1		NEWS	IMPROVS	NEWS	AFTER...
LOCAL 2		OUTTAKES	YESTERDAY	TRAVELOGUE	NEWS

FIG. 9C

CHANNEL	TIME	18:00	19:00	20:00	21:00
CNN		NEWS	NEWS	NEWS	NEWS
LOCAL 1		NEWS	IMPROVS	NEWS	AFTER...
LOCAL 2		OUTTAKES	YESTERDAY	TRAVELOGUE	NEWS
MOVIES 1		OVER THE TOP WITH J. SMITH	THE NEXT CHAPTER WITH...		
MOVIES 2		UNDER THE SEA	WALKING THROUGH GEORGIA	THE MAN...	

FIG. 9D

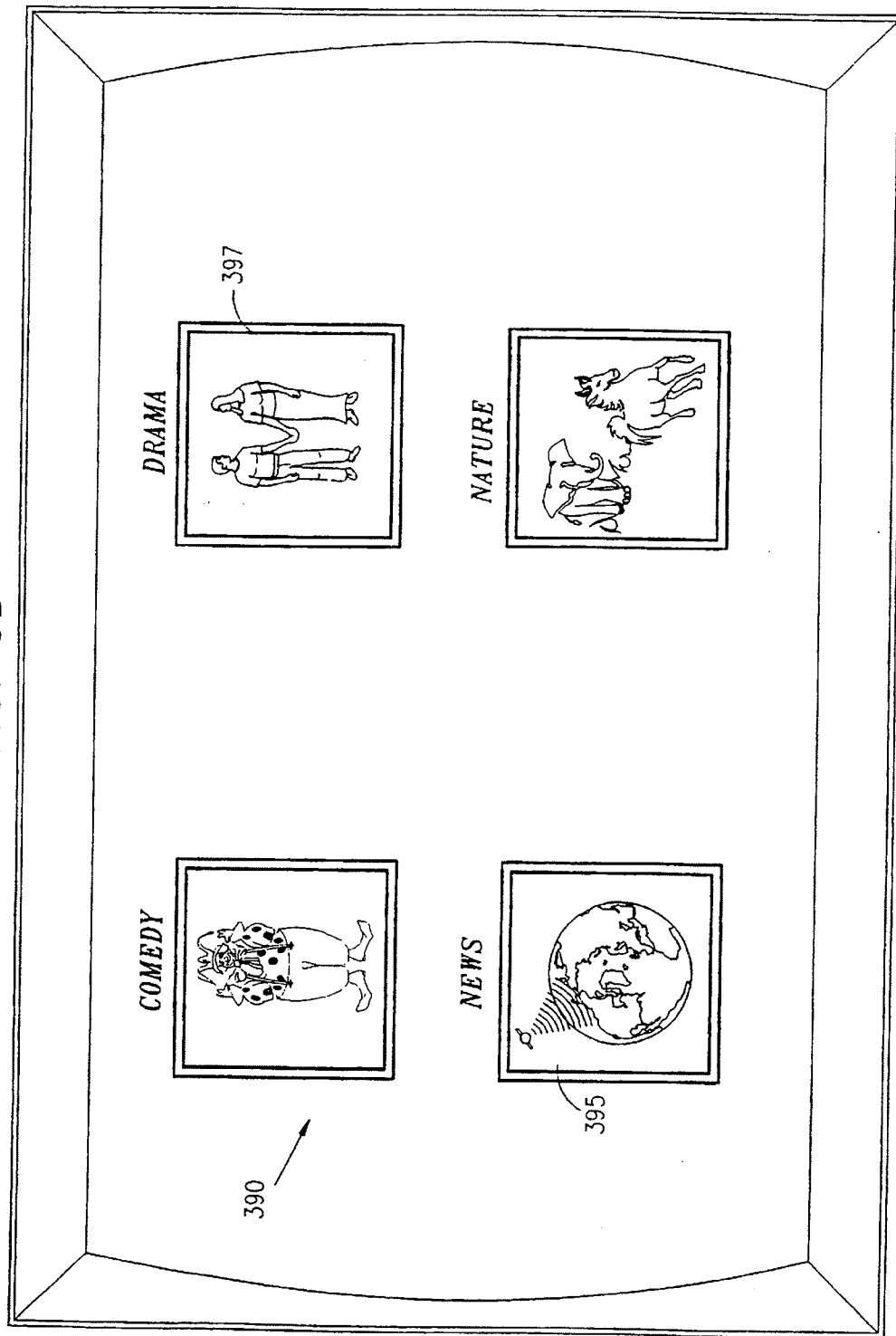


FIG. 9E

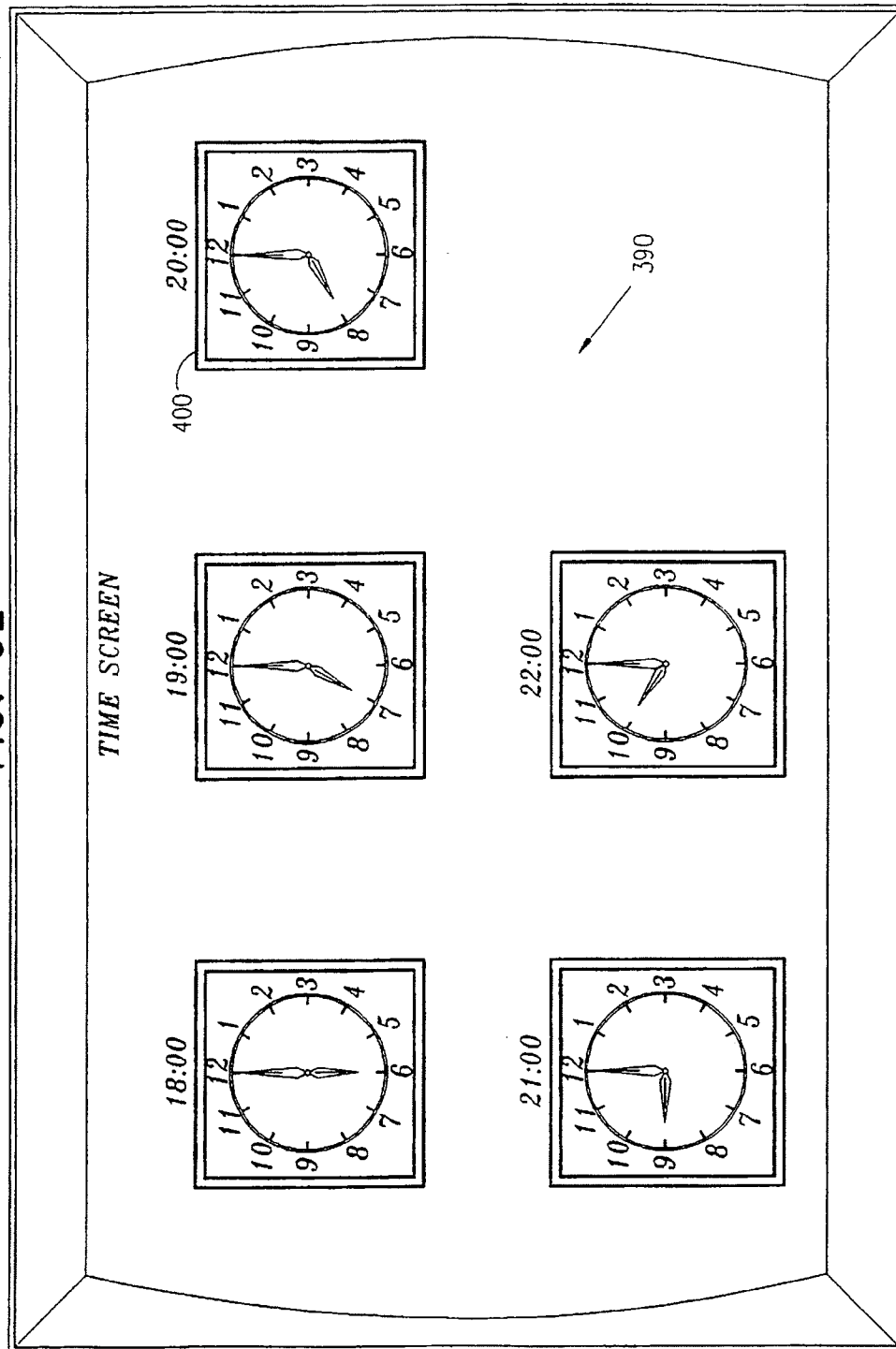


FIG. 9F

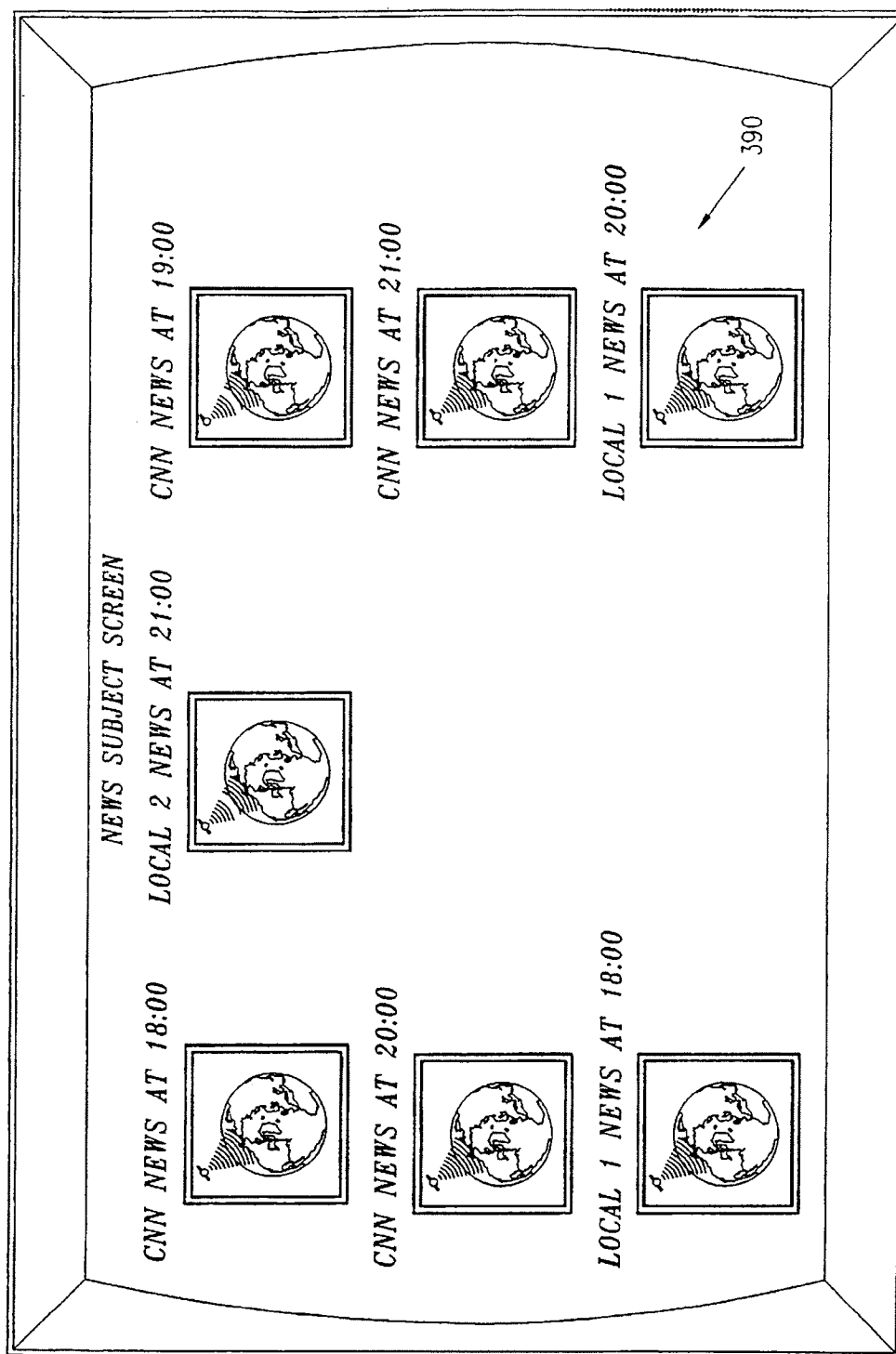


FIG. 9G

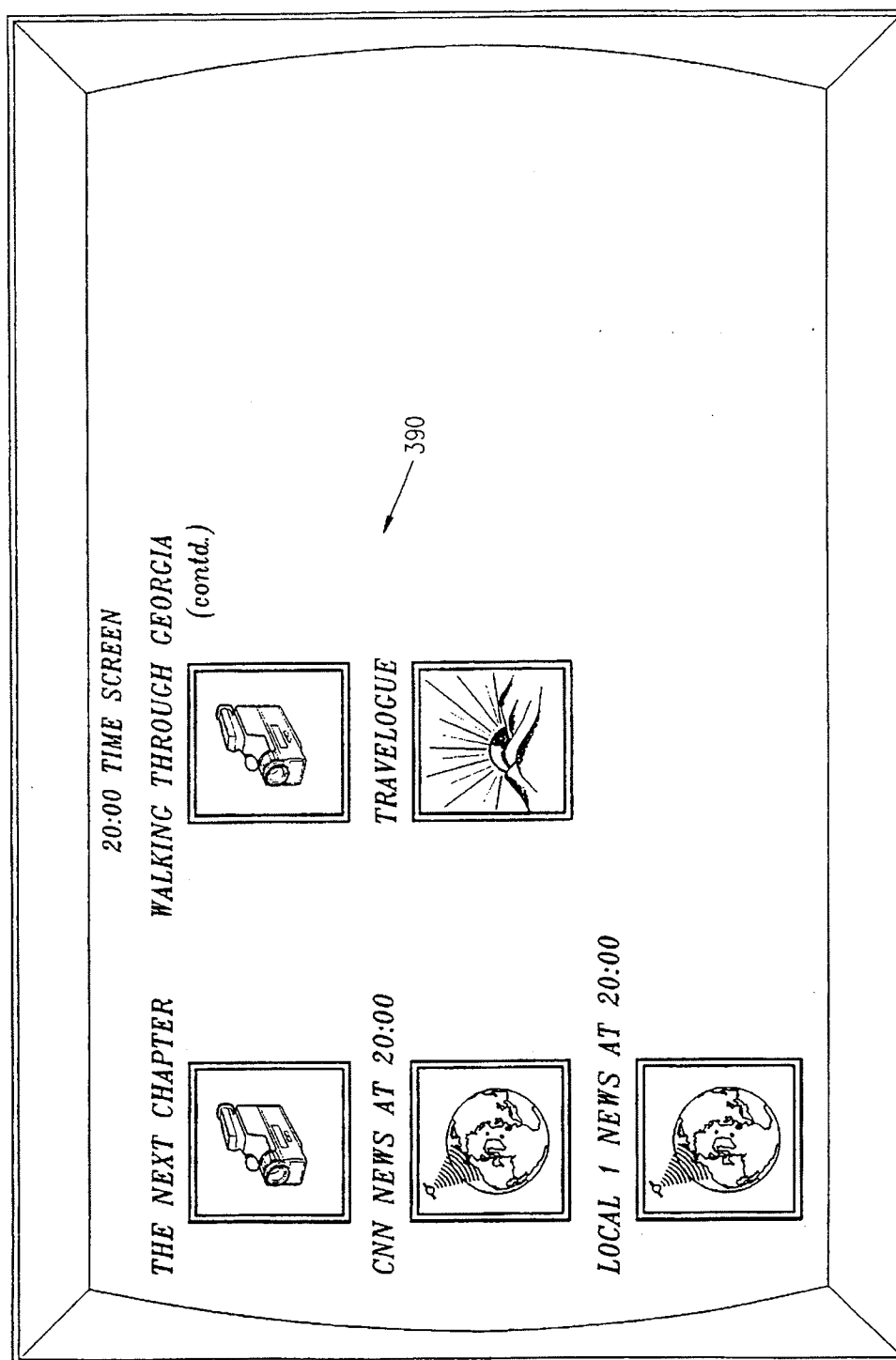


FIG. 9H

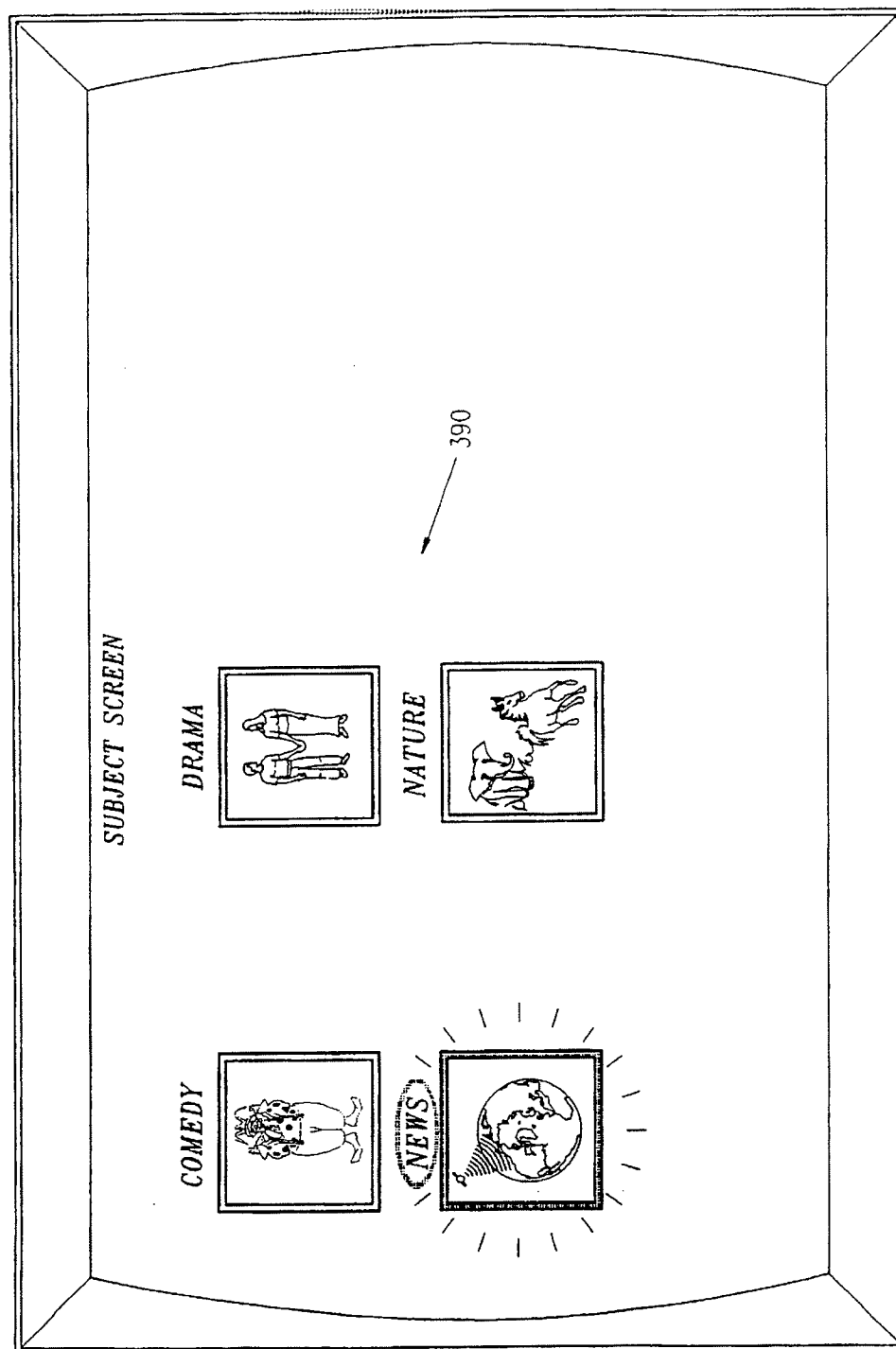


FIG. 91

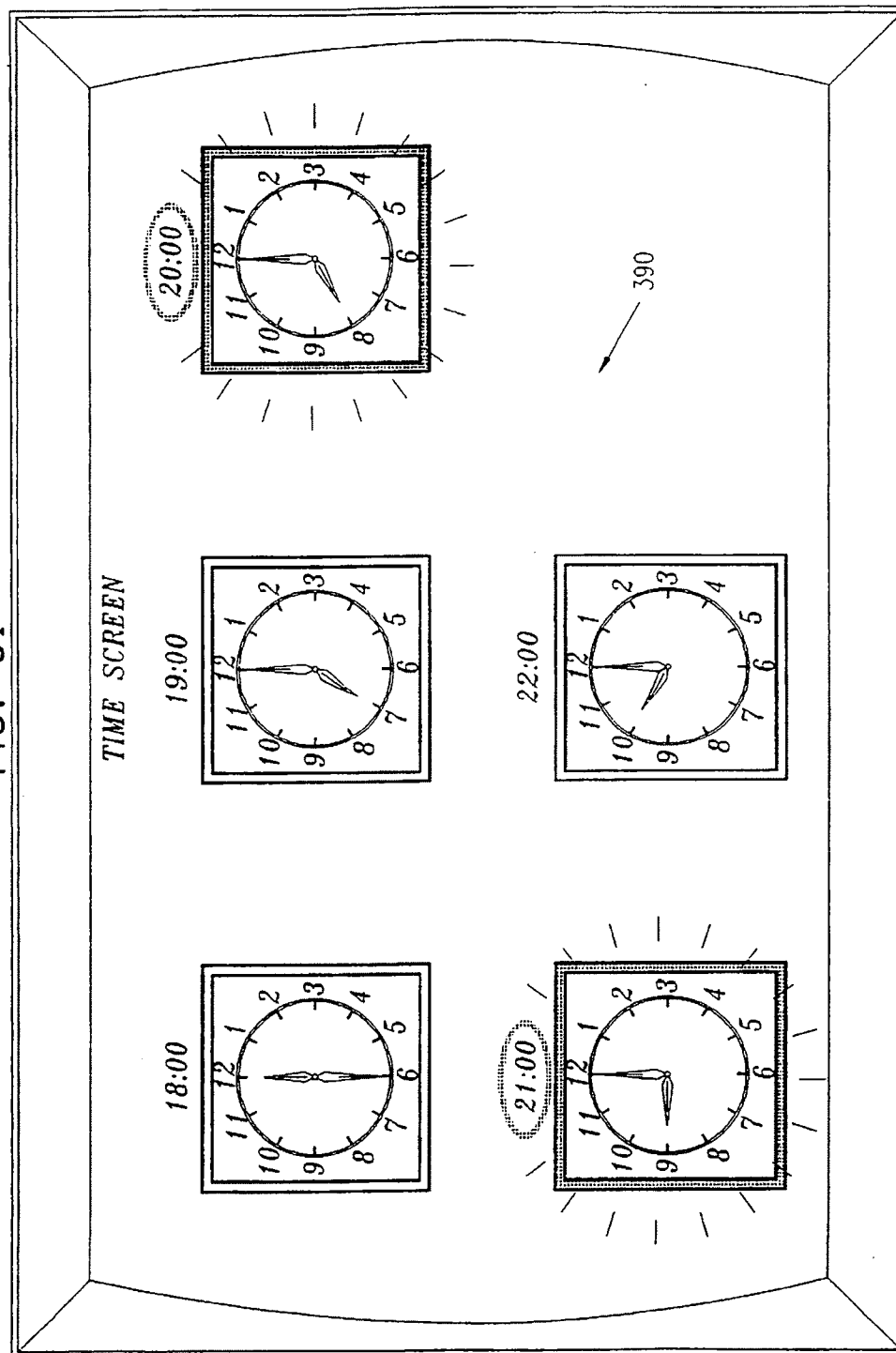


FIG. 9J

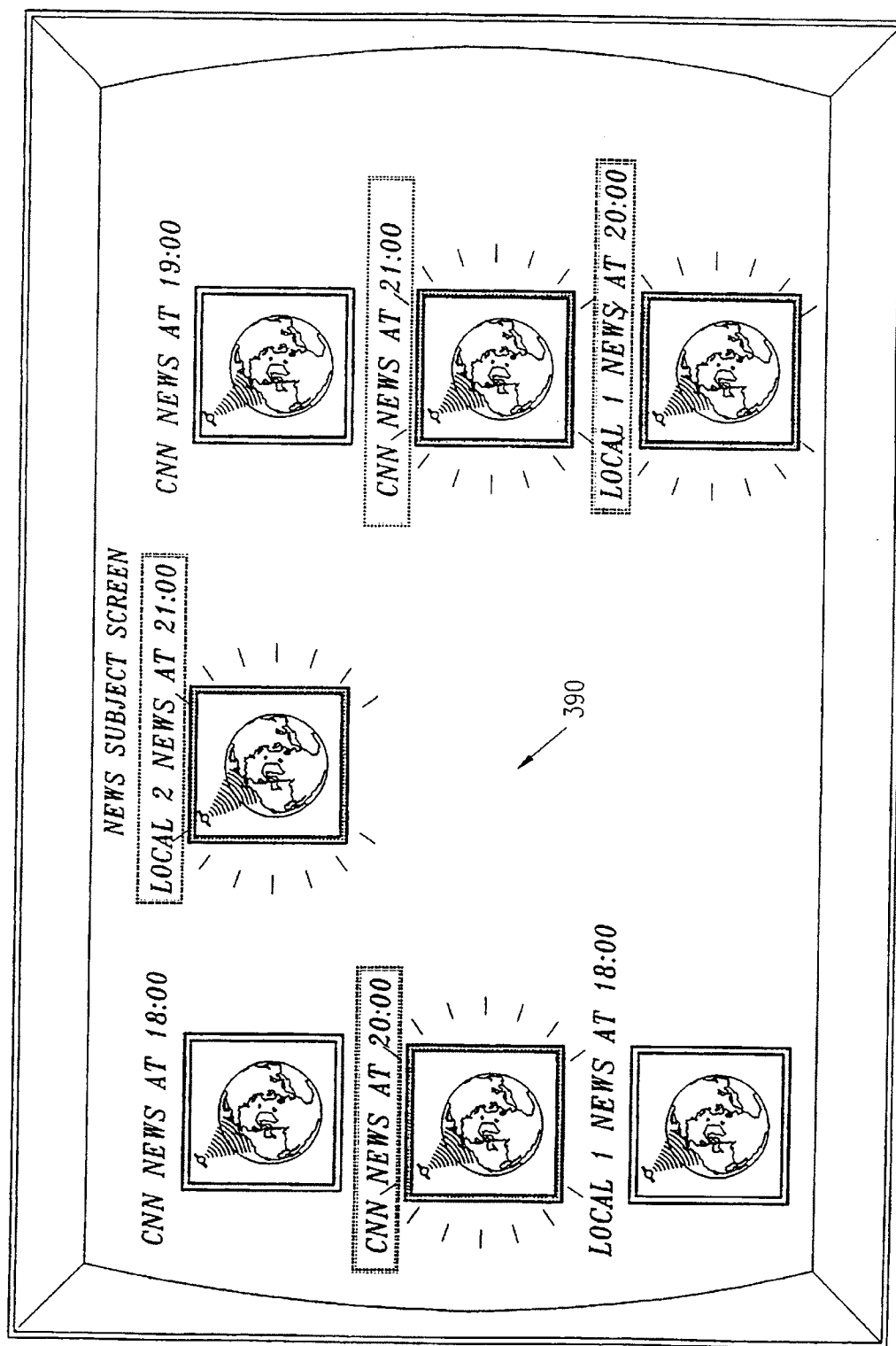


FIG. 9K

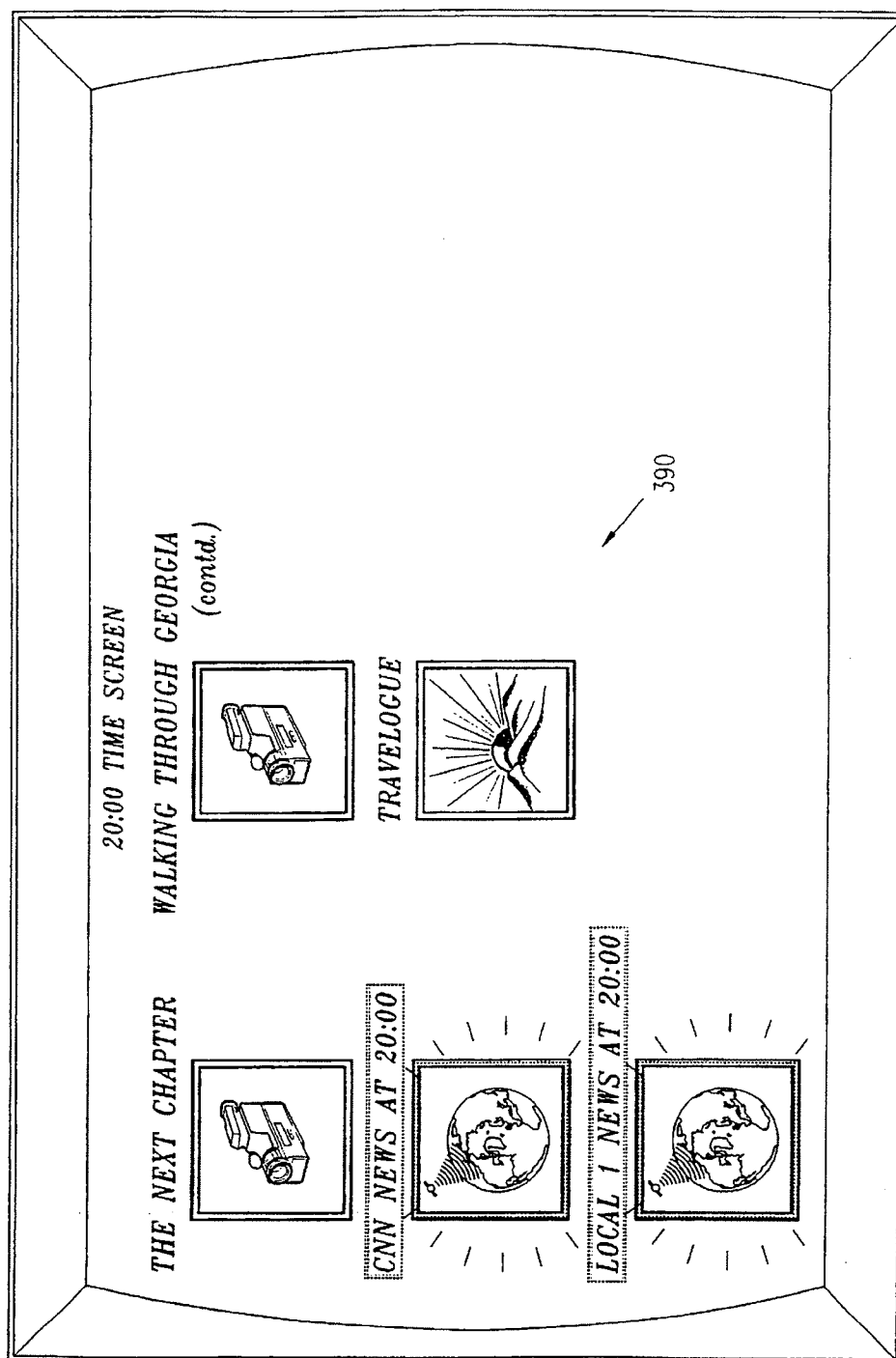
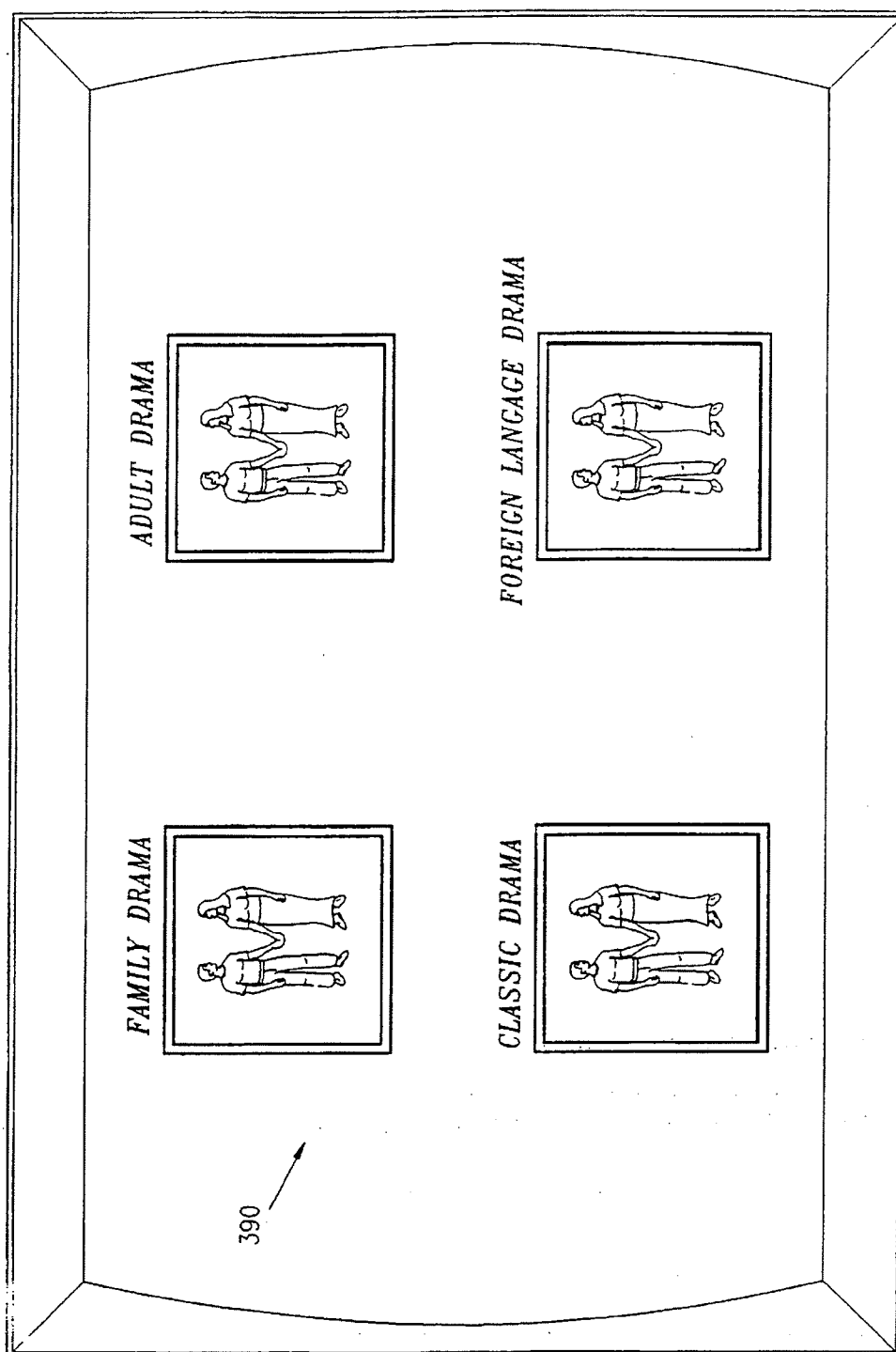


FIG. 9L



INTELLIGENT ELECTRONIC PROGRAM GUIDE

The present application is a 371 submission of PCT/IL98/00307, filed on Jun. 30, 1998 and entitled Intelligent Electronic Program Guide, which was published on Jan. 14, 1999 with International Publication No. WO 99/01984.

FIELD OF THE INVENTION

The present invention relates to television systems in general, and in particular to electronic program guides for television systems.

BACKGROUND OF THE INVENTION

Electronic program guides are well-known in the art. Electronic program guides provide television program schedule information on the television screen. Typically, electronic program guides display a rectangular grid schedule on the television screen, and allow the viewer to navigate through the schedule and to perform a variety of functions for one or more programs appearing on the schedule. Typical prior art program guides and related technologies are described in the following patents and published applications:

U.S. Pat. No. 4,706,121 to Young and Reexamination Certificate B1 4,706,121 to Young;

U.S. Pat. No. 4,977,455 to Young;

U.S. Pat. No. 5,038,211 to Hallenbeck;

U.S. Pat. No. 5,151,789 to Young;

U.S. Pat. No. 5,323,240 to Amano et al.;

U.S. Pat. No. 5,353,121 to Young et al.;

U.S. Pat. No. 5,444,499 to Saitoh

U.S. Pat. No. 5,479,266 to Young et al.;

U.S. Pat. No. 5,479,268 to Young et al.;

U.S. Pat. No. 5,515,106 to Chaney et al.;

U.S. Pat. No. 5,524,195 to Clanton, III et al.;

U.S. Pat. No. 5,550,576 to Klosterman;

U.S. Pat. No. 5,564,088 to Saitoh;

PCT published application WO 90/00847, assigned to Insight Telecast, Inc.;

PCT published application WO 91/07050, assigned to Insight Telecast, Inc.;

PCT published application 92/04801, assigned to Insight Telecast, Inc.; and

PCT published application WO 95/31069, assigned to Starsight Telecast, Inc.

Customization of program guide information based on information explicitly entered by a viewer is known in the art and is described, for example, in U.S. Pat. No. 5,479,266 and 5,479,268, mentioned above. Customization of program guide information based on the channel watched and time watched is described in the following U.S. Pat. Nos. 5,323,240; 5,444,499; and 5,564,088.

Broadcast methods of interest in the field of the present invention are described in DVB standard ETS 300-468.

The terms "agent" and "intelligent agent" are used interchangeably throughout the present specification and claims to refer to any machine-based assistant, including but not limited to a machine-based assistant implemented in software, with authority delegated from the user or users of the agent. Specifically, the terms "agent" and "intelligent agent", as used herein, are not limited to agents used by a

particular person and may include agents used by one person or a plurality of people, whether used in a domestic, commercial, or other context.

Intelligent agents are both in use and proposed for future use in computer systems, particularly computer systems connected to an internetwork such as the Internet. Publications describing the intelligent agent prior art and proposals for the future use of intelligent agents include the following:

1. Fah-Chun Cheong, *Internet Agents: Spiders, Wanderers, Brokers, and 'Bots*, published by New Riders Publishing, 1996, describes the state of the art in agents in general and in Internet agents in particular. Chapter 1, pages 3-35 and the bibliography thereto on pages 387-390 are particularly relevant to the agent prior art. On page 9, Cheong describes surrogate bots, which are agents to "relieve users of low-level administrative and clerical tasks, such as setting up meetings, sending out papers, locating information, tracking whereabouts of people, and so on." Cheong gives the example of a visitor scheduling bot whose purpose is to assist in scheduling the visitors of the user of the bot.

On page 19, Cheong describes learning agents, a type of personal agent envisioned in the future for which "learning about the particular user's habits and goals, and tailoring to them accordingly" is the essential principle of operation. As an example of a learning agent, Cheong gives a calendar apprentice which helps a user organize the user's meeting schedule.

2. A World Wide Web Document found on the Internet at www.raleigh.ibm.com/iag/iaghome.html describes intelligent agents in general and IBM intelligent agents in particular. A copy of the document was obtained from the Internet on Sept. 24, 1996 at 2:14 PM.

3. A World Wide Web Document found on the Internet at www.raleigh.ibm.com/iag/iagptc2.html, entitled "The Role of Intelligent Agents in the Information Infrastructure", describes various application areas that intelligent agents can enhance. In section 3.8, Adaptive User Interfaces, mention is made that "agent technology allows systems to monitor the user's actions, develop models of user abilities, and automatically help out when problems arise." The document neither describes nor suggests the use of intelligent agents to customize an electronic program guide or any similar system component. A copy of the document was obtained from the Internet on Sep. 24, 1996 at 2:16 PM.

The above-mentioned prior art does not appear to describe or suggest the use of intelligent agents in any of the following contexts: in television systems; with a program guide in any context; or with an entity similar to a program guide in a computer system.

The disclosures of all references mentioned above and throughout the present specification are hereby incorporated herein by reference.

SUMMARY OF THE INVENTION

The present invention seeks to provide an improved electronic program guide for use in a television system. Throughout the present specification and claims, the term "television system" is used in a broad sense to include all types of television systems, including but not limited to any one or combination of the following: one-way systems; two-way systems; Systems utilizing cable communication networks, satellite communication networks, telephone communication networks, other communication networks, or any combination thereof, and CATV systems. Particularly, both pay television systems and non-pay or free television systems are included in the term "television system".

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The present invention provides for customization of an electronic program guide by an intelligent agent. Typically, the intelligent agent monitors viewing behavior of one viewer or a plurality of viewers and creates a preference profile based on the monitored viewing behavior. The intelligent agent then preferably employs the preference profile to customize the electronic program guide based on the preference profile.

There is thus provided in accordance with a preferred embodiment of the present invention a television system including a television network, and transmitting apparatus for transmitting program schedule information to a multiplicity of subscriber units, at least one of the multiplicity of subscriber units including a receiving unit for receiving the program schedule information from the television network, a profile storage unit for storing at least one viewer preference profile of at least one television viewer, an intelligent agent for customizing the program schedule information based, at least in part, on the viewer preference profile, to produce a program guide including customized program schedule information, and display apparatus for displaying the program guide.

There is also provided in accordance with another preferred embodiment of the present invention a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information, a profile storage unit for storing at least one viewer preference profile of at least one television viewer, an intelligent agent for customizing the program schedule information based, at least in part, on the viewer preference profile, to produce a program guide including customized program schedule information, and display apparatus for displaying the program guide.

There is also provided in accordance with another preferred embodiment transmitting apparatus for transmitting program schedule information to a multiplicity of subscriber units, the transmitting apparatus including a headend, the headend including a profile storage unit for storing at least one viewer preference profile of at least one television viewer associated with one of the multiplicity of subscriber units, and an intelligent agent for customizing the program schedule information based, at least in part, on the viewer preference profile, to produce customized program schedule information, wherein the transmitting apparatus is operative to transmit the customized program schedule information to the one of the multiplicity of subscriber units, and at least one of the multiplicity of subscriber units includes a receiving unit for receiving the customized program schedule information from the television network, and display apparatus for displaying a program guide including the customized program schedule information.

There is also provided in accordance with another preferred embodiment of the present invention a headend for use in a television system including a television network and transmitting apparatus for transmitting customized program schedule information to at least one subscriber unit, the headend including a profile storage unit for storing at least one viewer preference profile of at least one television viewer associated with the at least one subscriber unit, and an intelligent agent for customizing the program schedule information based, at least in part, on the viewer preference profile, to produce customized program schedule information.

Further in accordance with a preferred embodiment of the present invention the transmitting apparatus includes net-

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work transmitting apparatus for transmitting over the television network.

Still further in accordance with a preferred embodiment of the present invention the transmitting apparatus includes recording apparatus for recording information on a removable medium, and means for sending the removable medium to a subscriber location including the subscriber unit, and the subscriber unit includes loading apparatus for loading the information from the removable medium into the subscriber unit.

Additionally in accordance with a preferred embodiment of the present invention the intelligent agent also includes profile determination apparatus for determining viewer preference profile information for at least one television viewer and for providing the viewer preference profile information to the profile storage unit for storage as a viewer preference profile, and the profile determination apparatus determines the viewer preference profile information by monitoring television viewing behavior of the at least one television viewer.

Moreover in accordance with a preferred embodiment of the present invention the television viewing behavior includes viewing at least a portion of at least one viewed television program.

Further in accordance with a preferred embodiment of the present invention the television viewing behavior includes the television viewer viewing only a portion of at least one viewed television program.

Still further in accordance with a preferred embodiment of the present invention the profile determination apparatus compares a length of the portion of the at least one viewed television program to a predetermined viewing threshold length to determine whether the length is greater than the threshold length, and the profile determination apparatus determines the viewer preference profile information based, at least in part, on whether the length is greater than the threshold length.

Additionally in accordance with a preferred embodiment of the present invention when the length is determined to be less than the threshold length, the profile determination apparatus determines the viewer preference profile information without regard to the viewing only a portion of the at least one television program.

Moreover in accordance with a preferred embodiment of the present invention when the portion is determined to be less than the threshold, the profile determination apparatus determines that the viewer is engaged in channel surfing behavior, and the profile determination apparatus determines the viewer preference profile information based, at least in part, on the channel surfing behavior.

Further in accordance with a preferred embodiment of the present invention the program schedule information includes a first plurality of criteria, at least one of the first plurality of criteria being associated with each of a second plurality of television programs, and the profile determination apparatus determines the viewer preference profile information based, at least in part, on at least one of the plurality of criteria associated with the at least one viewed television program.

Still further in accordance with a preferred embodiment of the present invention the profile determination apparatus determines the viewer preference profile information, at least in part, in accordance with input provided by the at least one television viewer.

Additionally in accordance with a preferred embodiment of the present invention the profile determination apparatus

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determines viewer preference profile information from a reaction of the at least one television viewer to previously displayed customized program schedule information.

Moreover in accordance with a preferred embodiment of the present invention each the viewer preference profile includes a viewer preference profile of exactly one viewer.

Further in accordance with a preferred embodiment of the present invention at least one the viewer preference profile includes a viewer preference profile of a plurality of viewers.

Still further in accordance with a preferred embodiment of the present invention the apparatus also includes viewer preference profile loading apparatus for providing a recorded viewer preference profile to the profile storage unit for storage.

Additionally in accordance with a preferred embodiment of the present invention the viewer preference profile loading apparatus receives the recorded viewer preference profile via the television network.

Moreover in accordance with a preferred embodiment of the present invention the viewer preference profile loading apparatus receives the viewer preference profile from profile storage apparatus located remotely thereto.

Further in accordance with a preferred embodiment of the present invention the customizing includes emphasizing at least a portion of the customized program schedule information based, at least in part, on the viewer preference profile.

Still further in accordance with a preferred embodiment of the present invention the customizing includes deemphasizing at least a portion of the customized program schedule information based, at least in part, on the viewer preference profile.

Additionally in accordance with a preferred embodiment of the present invention the customizing includes tailoring a custom channel based, at least in part, on the viewer preference profile.

Moreover in accordance with a preferred embodiment of the present invention the customizing includes automatically tuning to a program selected based, at least in part, on the viewer preference profile.

Further in accordance with a preferred embodiment of the present invention the customizing includes automatically recording, on recording apparatus, a program selected based, at least in part, on the viewer preference profile.

Still further in accordance with a preferred embodiment of the present invention the customizing includes ordering at least some of the customized program schedule information based, at least in part, on the viewer preference profile.

Additionally in accordance with a preferred embodiment of the present invention the display apparatus is operative to display an on-screen alert including at least part of the customized program schedule information.

Moreover in accordance with a preferred embodiment of the present invention the alert includes an unsolicited alert.

Further in accordance with a preferred embodiment of the present invention the unsolicited alert includes audience viewing information including an indication of a proportion of an audience currently viewing a program.

Still further in accordance with a preferred embodiment of the present invention the program includes a program currently being viewed by a viewer.

Additionally in accordance with a preferred embodiment of the present invention the program includes a program not currently being viewed by a viewer.

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Further in accordance with a preferred embodiment of the present invention the display apparatus displays the on-screen alert a predetermined period of time before a scheduled starting time of a television program, the at least part of the customized program schedule information including information associated with the television program.

Still further in accordance with a preferred embodiment of the present invention the customizing includes displaying an indication of a proportion of an audience currently viewing a program.

Additionally in accordance with a preferred embodiment of the present invention the proportion of an audience includes a proportion of an audience viewing a program currently being viewed by a viewer.

Further in accordance with a preferred embodiment of the present invention the proportion of an audience includes a proportion of an audience viewing a program not currently being viewed by a viewer.

Still further in accordance with a preferred embodiment of the present invention the display apparatus includes an icon-based guide generator for producing an icon-based hierarchical program guide including the program schedule information, and the program guide includes the icon-based hierarchical program guide. The term "icon", as used throughout the present specification and claims, is used in the sense commonly accepted in the art of computer programming, particularly computer interface design, to refer to a small picture, photograph, or other representation which is meant to pictorially recall to the user a function or functions associated therewith.

There is also provided in accordance with another preferred embodiment of the present invention a television system including a television network, and transmitting apparatus for transmitting program schedule information to a multiplicity of subscriber units, each subscriber unit including a receiving unit for receiving the program schedule information from the television network, an icon-based guide generator for producing a program guide including an icon-based hierarchical program guide including the program schedule information, and display apparatus for displaying the program guide.

There is also provided in accordance with another preferred embodiment of the present invention a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information from the television network, an icon-based guide generator for producing a program guide including an icon-based hierarchical program guide including the program schedule information, and display apparatus for displaying the program guide.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system, the method including providing a television network, and transmitting program schedule information to a multiplicity of subscriber units, each subscriber unit performing the following steps receiving the program schedule information from the television network, storing at least one viewer preference profile of at least one television viewer, employing an intelligent agent to customize the program schedule information based, at least in part, on the viewer preference profile, to produce a program guide including customized program schedule information, and displaying the program guide.

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There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system including a television network and transmitting apparatus for transmitting program schedule information, the method including receiving the program schedule information, storing at least one viewer preference profile of at least one television viewer, employing an intelligent agent to customize the program schedule information based, at least in part, on the viewer preference profile, to produce a program guide including customized program schedule information, and displaying the program guide.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system, the method including providing a television network, and transmitting program schedule information to a multiplicity of subscriber units, wherein the step of transmitting includes storing at least one viewer preference profile of at least one television viewer associated with one of the multiplicity of subscriber units, employing an intelligent agent to customize the program schedule information based, at least in part, on the viewer preference profile, to produce customized program schedule information, transmitting the customized program schedule information to the one of the multiplicity of subscriber units, receiving, at the one of the multiplicity of subscriber units, the customized program schedule information from the television network, and displaying a program guide including the customized program schedule information.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system including a television network and transmitting apparatus for transmitting customized program schedule information, the method including storing at least one viewer preference profile of at least one television viewer associated with one of the multiplicity of subscriber units, and customizing the program schedule information based, at least in part, on the viewer preference profile, to produce customized program schedule information.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system, the method including providing a television network, and transmitting program schedule information to a multiplicity of subscriber units, each subscriber unit performing the following steps receiving the program schedule information, producing a program guide including an icon-based hierarchical program guide including the program schedule information, and displaying the program guide.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system including a television network and transmitting apparatus for transmitting program schedule information, the method including receiving the program schedule information, producing a program guide including an icon-based hierarchical program guide including the program schedule information, and displaying the program guide.

There is also provided in accordance with another preferred embodiment of the present invention a headend for use in a television system including a television network and transmitting apparatus for transmitting customized program schedule information to a multiplicity of subscriber units, the transmitting apparatus including the headend, the head-

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end including a profile creation unit for creating at least one viewer preference profile of at least one television viewer associated with one of the multiplicity of subscriber units, based on viewer information associated with the one of the multiplicity of subscriber units, and a transmission unit for transmitting the at least one viewer preference profile to the one of the multiplicity of subscriber units.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system including a television network and transmitting apparatus for transmitting customized program schedule information to a multiplicity of subscriber units, the method including creating at least one viewer preference profile of at least one television viewer associated with one of the multiplicity of subscriber units, based on viewer information associated with the one of the multiplicity of subscriber units, and transmitting the at least one viewer preference profile to the one of the multiplicity of subscriber units.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a viewer preference profile in a television system including a plurality of subscriber units, the method including recording, at a first subscriber unit, a viewer preference profile on a removable medium, loading, at a second subscriber unit, the viewer preference profile from the recording medium, and customizing a program guide, at the second subscriber unit, based, at least in part, on the viewer preference profile.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing audience information to a viewer of a television system, the method including collecting viewing data from a multiplicity of viewers of a television system, computing audience information from the collected viewing data, and transmitting the computed audience information to a viewer of the television system.

Further in accordance with a preferred embodiment of the present invention the method also includes displaying the computed audience information to the viewer of the television system.

Still further in accordance with a preferred embodiment of the present invention the computed audience information comprises real-time computed audience information.

There is also provided in accordance with another preferred embodiment of the present invention a method for providing a program guide in a television system comprising a television network and transmitting apparatus for transmitting information to a multiplicity of subscriber units, the method including creating at least one viewer preference profile of at least one television viewer associated with one of the multiplicity of subscriber units, based on viewer information associated with the one of the multiplicity of subscriber units, creating a customized program guide based, at least in part, on the at least one viewer preference profile, and transmitting the customized program guide to the one of the multiplicity of subscriber units.

Further in accordance with a preferred embodiment of the present invention the transmitting step includes transmitting via at least one of the following: conventional mail, electronic mail, provision of a World Wide Web site comprising said customized program guide, and wireless transmission to a portable electronic receiving device.

Still further in accordance with a preferred embodiment of the present invention the icon-based hierarchical program guide includes a plurality of icons, and at least one of the

plurality of icons is associated with additional information, the additional information being provided to a user upon request.

Additionally in accordance with a preferred embodiment of the present invention the additional information includes at least one of the following: audio material; visual material; audio-visual material; multimedia material; a computer program; and at least one preview of at least one program.

Moreover in accordance with a preferred embodiment of the present invention the additional information includes a plurality of customized items of information, and at least one of the plurality of customized items of information is provided to the user based, at least in part, on at least one of the following: a user preference; a conditional access parameter; and a region in which said user is located.

BRIEF DESCRIPTION OF THE DRAWINGS

The present invention will be understood and appreciated more fully from the following detailed description, taken in conjunction with the drawings in which:

FIG. 1 is a simplified partly pictorial, partly block diagram illustration of a television system comprising a subscriber unit constructed and operative in accordance with a preferred embodiment of the present invention;

FIG. 2 is a simplified block diagram illustration of a portion of the apparatus of FIG. 1;

FIG. 3 is a simplified block diagram illustration of a preferred implementation of the intelligent agent of FIG. 2;

FIG. 4 is a simplified flowchart illustration of a preferred method of operation of the viewing information analysis apparatus of FIG. 3;

FIG. 5 is a simplified flowchart illustration of a preferred implementation of step 260 of FIG. 4;

FIG. 6 is a simplified flowchart illustration of a preferred method of determining whether a viewer is engaged in surfing behavior in step 280 of FIG. 5;

FIG. 7 is a simplified flowchart illustration of a preferred method of operation of the program schedule customization apparatus of FIG. 3;

FIG. 8A is a simplified partly pictorial, partly block diagram illustration of a television system comprising a subscriber unit constructed and operative in accordance with an alternative preferred embodiment of the present invention;

FIG. 8B is a simplified partly pictorial, partly block diagram illustration of a television system comprising a subscriber unit constructed and operative in accordance with another alternative preferred embodiment of the present invention; and

FIGS. 9A-9L are simplified pictorial representations of preferred embodiments of an electronic program guide, which may be displayed on the display of FIG. 1, FIG. 8A, or FIG. 8B.

DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT

Reference is now made to FIG. 1 which is a simplified partly pictorial, partly block diagram illustration of a television system comprising a subscriber unit constructed and operative in accordance with a preferred embodiment of the present invention. The apparatus of FIG. 1 comprises display apparatus 100 for display of an electronic program guide, the display apparatus 100 typically comprising a television set as shown in FIG. 1. The television set may comprise any suitable commercially available television set.

It is appreciated that the display apparatus 100 may alternatively comprise any other suitable display apparatus such as, for example, a computer display, another suitable display, or suitable projection equipment, as is well known in the art. In a case where a display other than a television set is used, it is appreciated that a television set is typically provided separately. For the purpose of simplicity in description, a case where the display apparatus 100 comprises a television set is generally described throughout the present specification, but it is appreciated that another type of appropriate display apparatus may generally be used.

On the display apparatus 100 an on-screen alert 105 is shown. The on-screen alert 105 is described more fully below. The on-screen alert 105 is shown as an example of a component of an electronic program guide, as described below. It is appreciated that the electronic program guide may take a wide variety of forms and that, typically, the on-screen alert 105 is comprised in the electronic program guide and that the electronic program guide may comprise other components alternatively, or in addition to, the on-screen alert 105.

The apparatus of FIG. 1 also comprises an interface unit 110. The interface unit 110 is also known as a set top box (STB). The interface unit 110 is operative to provide at least a one-way interface, and optionally a two-way interface, between the display apparatus 100 and a television network, which may be either a pay television network or a non-pay or free television network. It is appreciated that, in certain preferred embodiments of the present invention such as, for example, the embodiments of FIGS. 8A and 8B, described below, a two-way interface is preferable. The interface unit 110 typically comprises a variety of conventional STB components (not shown), as is well known in the art, to receive, tune and, as necessary, decode television broadcasts received from the television network and to send display signals representing the received broadcasts to the display apparatus 100.

The interface unit 110 also typically comprises a receiving unit 120, an intelligent agent 130, and a profile storage unit 140, the receiving unit 120 and the profile storage unit 140 being operatively attached to the intelligent agent 130. The receiving unit 120, the intelligent agent 130, and the profile storage unit 140 are typically implemented in software in one or more suitable microprocessors suitably equipped with memory, but it is appreciated that a hardware implementation may also be used. The functions of the receiving unit 120, the intelligent agent 130, and the profile storage unit 140 are described in more detail below. The apparatus of FIG. 1 may also comprise a recording device such as a VCR (not shown), or any other appropriate conventional recording device, including a DVCR (digital VCR) or DVD (digital video disc) recording device.

The operation of the apparatus of FIG. 1 is now briefly described. The interface unit 110 receives television broadcasts from the television network. A user of the apparatus of FIG. 1 chooses a channel to watch, using means well-known in the art such as, for example, a commercially-available remote control unit. The interface unit 110, responsive to the user's choice of channel, transmits display signals representing received broadcasts on the chosen channel to the display apparatus 100, as is well-known in the art.

As is well-known in the art, the television broadcasts typically also comprise television program schedule information. It is appreciated that program schedule information may alternatively or additionally be distributed by other non-broadcast methods such as, for example: by sending a

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removable medium to the user for insertion in an appropriate unit (not shown) for receiving the medium in the apparatus of FIG. 1; by publishing coded information, such as in a newspaper or magazine, and by providing equipment (not shown) for use with the apparatus of FIG. 1 to read the coded information into the apparatus of FIG. 1; or otherwise.

The terms "program schedule information" and "television program schedule information" are used interchangeably throughout the present specification and claims to refer to information describing a television program schedule. Program schedule information is typically intended to assist a television viewer in choosing a television program to watch, either at the current time or in the future. Program schedule information typically comprises one or more of the following:

- channel number;
- starting date;
- starting time;
- ending date;
- ending time;
- name of program;
- description of program;
- name of at least one actor in program;
- name of director of program;
- program provider;
- price of program; and
- classification criteria.

The classification criteria may typically comprise one or more of the following: indications of whether the program is a comedy, a drama, a documentary, a news program, etc.; an indication of whether the program contains material unsuited for younger viewers; the country of origin of the program; and any other appropriate classification criteria. A typical example of such criteria is described in DVB standard ETS 300-468, referred to above.

Reference is now additionally made to FIG. 2, which is a simplified block diagram illustration of a portion of the apparatus of FIG. 1. The apparatus of FIG. 2 comprises the receiving unit 120, the intelligent agent 130, the profile storage unit 140, and the display apparatus 150 of FIG. 2, and illustrates the connections therebetween as well as the inputs thereto and outputs therefrom. The apparatus of FIG. 2 also comprises an optional viewer preference profile loading apparatus 160 (not shown in FIG. 1), described below.

The receiving unit 120 is typically operative to receive the program schedule information from the television network and to pass the program schedule information to the intelligent agent 130. The receiving unit 120 may also be operative, as is well known in the art, to filter the program schedule information from other information broadcast via the television network, such as television programs, thus producing the information passed by the receiving unit 120 to the intelligent agent 130. The intelligent agent 130 also typically receives television viewing information representing current television viewing behavior of one or more individual viewers. The television viewing information, typically comprising an indication of the channel currently being watched and, optionally, viewer identification information, may be received from conventional components of the interface unit 110, as is well known in the art, or from another appropriate source.

It is appreciated that, in a case where the television viewing information comprises viewer identification information, the viewer identification information is typi-

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cally obtained using methods well-known in the art for identifying viewers such as, for example, requiring one or more viewers to supply identifying information such as, for example, a personal identification number (PIN) before viewing television. Thus, the television viewing information may be associated with one or more viewers. It is also appreciated that, in a case where the television viewing information does not comprise viewer identification information the television viewing information is preferably taken to be general, that is, not to be associated with any particular viewer. For the sake of simplicity in description, a case where the television viewing information is associated with one or more viewers is generally described herein, but it is appreciated that the present invention also applies to the case where the television viewing information is not associated with any particular viewer.

The intelligent agent 130 is preferably operable to combine the television viewing information with the program schedule information and to extract therefrom characteristics, typically comprising components similar to those described above with respect to program schedule information, which characterize the television program currently being viewed by the viewer. Such components are also known herein as current program characteristics. The intelligent agent 130 is typically operative to store the current program characteristics in a viewer preference profile, typically in the profile storage unit 140, the viewer preference profile typically comprising information, obtained over a period of time, on the various current program characteristics of programs viewed by a viewer at various times. The period of time may be as short as a few minutes or as long as a year or more. The viewer preference profile also typically comprises information on the amount of time or proportion of duration of the program during which each program was viewed by the viewer.

Typically, the viewer preference profile may contain information on preference strength, that is, on how strongly a certain program or type of program is preferred by the viewer. Preference strength may reflect the number of times that the program was viewed in a given period of time, the percentage of all occurrences of the program that were viewed, or any other appropriate criterion. Typically, the viewer preference profile is accumulated over an unlimited amount of time. Alternatively, old information may be eliminated from the profile or the profile may be reset upon receipt of a signal from the television network.

Optionally, the apparatus of FIG. 1 may be operative to display a viewer preference profile on the display apparatus 100 or otherwise and to allow the viewer to edit or otherwise modify the viewer preference profile, typically using user interface methods well known in the art. In this case, the viewer is preferably enabled to add, delete, or modify any information in the viewer's viewer preference profile, it being appreciated that the apparatus of FIG. 1 is preferably operative to provide an appropriate questionnaire or other assisted data input method, as is well known in the art, in order to assist the viewer in adding, deleting, or modifying information. Particularly, the viewer is preferably enabled to provide information on programs or types of programs which the viewer prefers to view or prefers not to view. Furthermore, the viewer is preferably enabled to do one or more of the following:

- turn off or on the collection of viewer preference profile information;
- define different levels of highlighting, as described below;
- turn the delivery of alerts on or off;
- instruct the apparatus of FIG. 1 to include or not to include popular programs in the program guide;

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instruct the apparatus of FIG. 1 to include or not to include programs having a certain rating, such as programs having a rating as unsuitable for children, in the program guide;

instruct the apparatus of FIG. 1 to include or not to include programs recommended by one or more critics in the program guide; and

perform any other appropriate action.

As described below, the viewer preference profile stored by the intelligent agent 130 and used as described below may comprise a simple data structure describing current program characteristics of programs viewed by a viewer and other information as stated above. It is appreciated, however, that the viewer preference profile may, in alternative embodiments of the present invention, take a wide variety of forms. For example, without limiting the generality of the foregoing, the viewer preference profile may comprise one or more rules abstracted from at least the current program characteristics of programs viewed by a viewer, the extraction and/or abstraction of such rules from the current program characteristics of programs viewed by a viewer and other information as stated above being possible using methods well-known in the art, particularly methods in use with rule-based expert systems.

Such rules, as is well known in the art, may comprise conditions and results to be carried out if the conditions are true. For example, such a rule might state that if the user preference level for news is greater than a given threshold and if a news program is scheduled within the next 30 minutes, a news alert should be presented on the screen. For the sake of simplicity in description, the case of a simple data structure will generally be described below, it being appreciated that other methods, such as, for example, a rule-based method, may also be used.

The intelligent agent 130 is also operative to customize the program schedule information received from the receiving unit 120 in accordance with one or more viewer preference profiles belonging to one or more viewers and to output a program guide comprising the customized program schedule information to the display apparatus 150 for display. It is appreciated that, in a case where more than one viewer preference profile is used, the plurality of viewer preference profiles may be combined by any appropriate method, including, simply combining the profiles, giving complete preference to one profile over another profile, giving partial preference to one profile over another profile, or by any other appropriate combining method.

The term "customize" in its various forms, as used throughout the present specification and claims with reference to program schedule information to be comprised in a program guide, is used generally to refer to any kind of customization including, for example, one or more of the following:

changing the order in which programs appear in the program guide;

changing the order in which channels appear in the program guide;

removing certain programs from or adding certain programs to the program guide, the added programs typically comprising programs that were not previously displayed due to another customization;

highlighting or emphasizing certain programs in the program guide, possibly including multiple levels of highlighting or emphasis;

de-highlighting or deemphasizing certain programs in the program guide, possibly including multiple levels of de-highlighting or de-emphasis;

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modifying a hierarchy, such as, for example, an icon-based hierarchy, of programs in the program guide;

modifying the appearance of an element of the program guide such as, for example, an icon, including modifying an icon to be non-objectionable for viewing by children;

displaying an alert comprising program schedule information;

customizing a channel to contain selected programs from the program guide, typically by creating a virtual channel comprising, for example, a list of times and channels on which preferred programs are broadcast at those times, to give a viewer the appearance that the viewer's preferred programs are all broadcast on the customized channel;

delivering an alert remind the viewer to record a program; automatically recording a program; and

any other appropriate kind of customization.

It is appreciated that other factors in addition to a viewer preference profile may also be applied by the intelligent agent 130. Examples of such other factors and their typical use by the intelligent agent 130 include the following:

parental control information, which is well known in the art, may be used to eliminate certain programs from the program guide or to modify objectionable descriptions and/or icons so that they are suitable for viewing by children;

parental control or other information may be used to limit total viewing time or viewing during certain times of the day by removing programs falling outside the limitation from the program guide;

subscription information, typically including information on television services which have been subscribed to by a viewer, may be used to eliminate programs not subscribed for from the program guide;

rating information, typically including information on general viewer popularity of a program based on ratings as are well known in the art, may be used to modify the customization of the program guide, typically by including or promoting the importance of highly rated programs but possibly by excluding or reducing the importance of highly rated programs, and further possibly by modifying the viewer preference profile based on the rating information; and

language choice information, typically including information on a preferred language, may be used to display listings in a particular language or for program versions in a particular language, it being appreciated that viewer preference profile information on language viewing preferences may override language choice information.

The optional viewer preference profile loading apparatus 160, if present, may be used to load a recorded viewer preference profile of another viewer, including a viewer who has used another apparatus, similar to that of FIG. 1, at a different time and place. Such a recorded viewer preference profile may be provided on any appropriate recording medium, may be broadcast via the television network, or may be delivered from profile storage apparatus by any appropriate means. It is appreciated that a recorded viewer preference profile may typically be a profile of a well-known person, may be intended to provide customization of the program guide in a way similar to that which would be provided to the famous person, and may be provided for a fee or other consideration. The effect of using such a

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recorded viewer preference profile would be, approximately, to receive a customized program guide customized according to the preferences of the person who is the source of the recorded viewer preference profile.

Alternatively, a recorded viewer preference profile could be used as an anti-profile in the sense that customization could occur opposite to what would be the result of using the recorded preference profile; that is, a particular program that was preferred according to the recorded viewer preference profile could be, for example, deemphasized.

Optionally, the profile loading apparatus 160, if present, may also be operative to record a viewer preference profile on any appropriate recording medium such as, for example, a diskette or an appropriate smart card. The recorded viewer preference profile may then be provided to another viewer having apparatus similar to that of FIG. 1 for loading as described above.

It is appreciated that the implementation of the present invention described above, wherein a program guide is transmitted to a television, comprises one particular implementation of the present invention, and that the scope of the present invention is not limited by the above-described implementation. In particular, it is appreciated that, with minor variations as is well known in the art, a customized program guide could be delivered to a viewer by, for example, one or more of the following methods:

- conventional mail;

- electronic mail, including conventional electronic mail, electronic mail delivered to a television, text-based electronic mail, graphics-based electronic mail, HTML-based electronic mail, or any other suitable type of electronic mail;

- a personalized World Wide Web site on the Internet; and
- wireless delivery to a portable electronic device such as a suitable beeper, palmtop device, personal organizer, watch, radio receiver, or any other suitable portable electronic device.

Reference is now made to FIG. 3, which is a simplified block diagram illustration of a preferred implementation of the intelligent agent 130 of FIG. 2. The apparatus of FIG. 3 preferably comprises viewing information analysis apparatus 170, which typically receives program schedule information from the receiving unit 120 of FIG. 2, as described above, as well as receiving television viewing information, as described above with reference to FIG. 2.

The apparatus of FIG. 3 also preferably comprises viewer preference profile update and storage apparatus 180. The viewing information and analysis apparatus 170 is preferably operative to provide current program information and information on the current viewer, typically comprised in the television viewing information, as described above with reference to FIG. 2, to the update and storage apparatus 180. The update and storage apparatus 180 is preferably operative to store the received information in an appropriate viewer preference profile in the profile storage unit 140 of FIG. 2.

The apparatus of FIG. 3 also preferably comprises viewer preference profile retrieval apparatus 190 and program schedule customization apparatus 200. The retrieval apparatus 190 typically retrieves the viewer preference profile of a viewer under control of the program schedule customization apparatus 200 and sends the viewer preference profile to the program schedule customization apparatus 200.

The program schedule customization apparatus 200 preferably receives the viewer preference profile, as well as the program schedule information from the receiving unit 120 of FIG. 2. The program schedule customization apparatus 200 is preferably operative to customize the program schedule

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information received from the receiving unit 120 in accordance with one or more viewer preference profiles belonging to one or more viewers and to output a program guide comprising the customized program schedule information.

The viewing information analysis apparatus 170, the viewer preference profile update and storage apparatus 180, the view preference profile retrieval apparatus 190, and the program schedule customization apparatus 200 are typically implemented in software in one or more suitable microprocessors suitably equipped with memory, but it is appreciated that a hardware implementation may also be used.

Reference is now made to FIG. 4, which is a simplified flowchart illustration of a preferred method of operation of the viewing information analysis apparatus of FIG. 3. The method of FIG. 4 preferably includes the following steps:

When program schedule information is received, the information is processed (step 210). Program schedule information is generally received when the program schedule information is sent over the television network. The program schedule information may be sent periodically, may be sent when there is a change in program schedule information, or may be sent at other times. Processing program schedule information preferably comprises updating a working copy of program schedule information kept in the intelligent agent 130 and used in other steps of the method of FIG. 4.

A check is made as to whether television viewing information has been received (step 220). Generally, television viewing information is received when there is a change in television viewing such as, for example: a new viewer begins viewing television according to viewer identification information; a television channel change occurs; or the television is turned on or turned off. Television viewing information may also comprise an indication that a viewer has responded to a customized alert positively, by tuning to the program named in the alert, or negatively, by not tuning to the program named in the alert. Preferably, such a positive response is taken to reinforce the preference which led to the alert. A negative response, on the other hand, is preferably taken to weaken or erase the preference which led to the alert.

If no television viewing information is received, the process of FIG. 4 preferably ends.

It is appreciated that, after step 220, further action need only be taken when some television viewing information is received, on the assumption that eventually some change in television viewing will occur and further action can be taken at that time. It is further appreciated that, to prevent a possibility of no television viewing information being received for a very long time such as, for example, for an entire day, step 220 may include a check for a very long time having passed since television information has been received and, in that case, the check of step 220 may preferably behave as if television viewing information, comprising viewed program information, has been received, in order to ensure that current television viewing information, even if unchanged, is eventually stored.

If television viewing information is found to have been received in step 220, a check is made as to whether the television viewing information comprises viewer identification information (step 230). If viewer identification information has been received, the identification of the current user is noted and preferably stored (step 240). Processing continues with step 260, described below.

If the check of step 230 does not show receipt of viewer identification information, a check is made as to whether viewed program information has been received (step 250). If not, the method of FIG. 4 preferably ends. If viewed

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program information was found to have been received in step 250, processing continues with step 260.

In step 260, viewed program information and/or viewer identification information are processed.

Reference is now made to FIG. 5, which is a simplified flowchart illustration of a preferred implementation of step 260 of FIG. 4. The method of FIG. 5 preferably comprises the following steps:

Checks are made as to whether the current viewer is a new viewer (step 270) and whether the end of the previous program has been reached, whether by a change in television viewing information or by reaching the end of a program according to the program schedule information (step 290). If either the check of step 270 or the check of step 290 is found to be true, new profile information is output. (step 280). The new profile information typically includes viewed program and viewer information.

In a case where the viewed program and viewer information indicate that the viewer has viewed a program for a short period of time, the new profile information may include surfing information, that is, an indication that the viewer prefers to surf, that is, to view programs only for a short period of time. The short period of time typically comprises a predetermined period of time, also termed herein a threshold.

The surfing information may include details such as, for example, how often the user surfs and for how long the user surfs. Alternatively, information about a program which the viewer has viewed for a short period of time may be ignored and may not be included in the new profile information. The term "short period of time", as used in the context of the explanation of step 280, may include one or more of the following:

- a short absolute period of time such as, for example, less time than a threshold measured in minutes, for example, 2 minutes or 5 minutes; and

- a short relative period of time such as, for example, less than a certain percentage of the scheduled time of a program.

It is appreciated that the short period of time may vary in length according to time of day, day of week, day of year, price of a particular program, or according to any other appropriate criterion. It is further appreciated that, in a case where a viewer views different portions of a program, the times during which each portion was viewed are preferably added before comparison to the threshold.

When the profile information includes information indicating that the viewer prefers to surf, customized electronic program guide information based on the profile information may be tailored for a viewer who prefers to surf, by including randomized program selections as preferred program selections, for example.

Reference is now made to FIG. 6, which is a simplified flowchart illustration of a preferred method of determining whether a viewer is engaged in surfing behavior in step 280 of FIG. 5. The method of FIG. 6 is self-explanatory.

It is appreciated that the method described above with reference to FIGS. 4-6 is one particular embodiment of a method of operation of the viewing information analysis apparatus of FIG. 3. The method of FIG. 4-6 is provided by way of example only, and it is appreciated that other methods, including methods based on rule-based expert systems, as are well known in the art, may also be used.

FIG. 7 is a simplified flowchart illustration of a preferred method of operation of the program schedule customization apparatus 200 of FIG. 3. The method of FIG. 7 preferably comprises the following steps:

The program schedule customization apparatus receives program schedule information (step 300) and at least one viewer preference profile (step 310).

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The program schedule customization apparatus then preferably identifies preferred programs by applying the at least one viewer preference profile to the program schedule information (step 320). It is appreciated that similar results could be obtained by modifying step 320 to identify the programs which are not preferred, and then modifying the remainder of the method of FIG. 7 accordingly.

It is also appreciated that, depending on the form of the viewer preference profiles, as described above with reference to FIG. 2, the implementation details of step 320 will vary accordingly. For example, in a case where the viewer preference profile comprises a simple data structure describing current program characteristics of programs viewed by a viewer and other information, a preferred implementation of step 320 may comprise comparing the program schedule information to the information stored in the data structure and determining that programs in the program schedule whose characteristics resemble information stored in the data structure are preferred. For example, if information stored in the data structure indicates that news programs starting at 8:00 PM or later are preferred, such a news program will be identified as preferred in step 320. In a case where the viewer preference profile comprises rules, for example, the rules will typically be applied to the program schedule information, as is well known in the art, to determine which programs are preferred.

The program schedule is then customized (step 330). As described above with reference to FIG. 2, such customization may take a wide variety of forms.

Reference is now made to FIG. 8A, which is a simplified partly pictorial, partly block diagram illustration of a television system comprising a subscriber unit constructed and operative in accordance with an alternative preferred embodiment of the present invention. The system of FIG. 8A is similar to the system of FIG. 1, except as described below.

The system of FIG. 8A comprises a headend 340 comprised in or operatively associated with a television network 350. The headend 340 may be similar to conventional television system headends, as are well known in the art, except as described below.

The headend 340 comprises a headend intelligent agent 360 and a headend profile storage unit 370, which may be similar respectively to the intelligent agent 130 of FIG. 1 and the profile storage unit 140 of FIG. 1, respectively, except as follows.

Television viewing information may be transmitted to the headend 340 by a modem 375, which may be any conventional modem such as, for example, a telephone modem connected to a telephone network or a cable modem connected to a cable network. The modem 375 is typically comprised in or operatively associated with the interface unit 110. Alternatively, any appropriate means of communicating between the interface unit 110 and the headend 340 may be supplied, such as, for example, a VSAT satellite connection (not shown), as is well known in the art. The received television viewing information is processed in a manner similar to that described above with reference to the embodiment of FIG. 1.

The headend profile storage unit 370 is typically operative to store viewer preference profiles for a wide variety of viewers located at a multiplicity of sites. The intelligent agent 360 is operative to receive one or more viewer preference profiles associated with a particular site, such as a site 380, and to prepare customized program schedule information intended for the particular site. In the embodiment of FIG. 8A the headend 340 is operative to deliver the customized program schedule information to the particular site using methods well known in the art.

It is appreciated that, generally, the embodiment of FIG. 8A differs from the embodiment of FIG. 1 in that processing and storage largely occur in the headend 340. The embodiment of FIG. 8A may be preferable in a case where processing power may be provided more economically in a headend or in other cases. Furthermore, it is appreciated that, in the embodiment of FIG. 8A, certain types of customization may occur at the headend based on user preference profiles. For example, if users tend to prefer to watch a certain type of movie at a certain hour or hours of the night, that type of movie may be broadcast, either conventionally or in a near-video-on-demand system, at that hour or hours of the night. It is appreciated that other types of customization, as referred to above with respect to FIG. 2, may also occur at the headend.

It is further appreciated that other types of data processing and analysis may occur at the headend 340, the other types of data processing and analysis typically being directed to provide additional programming information to viewers. Without limiting the generality of the foregoing, it is appreciated that, at the headend 340, real-time information on a proportion or percentage of the audience viewing a particular program may be computed. The term "audience", as used throughout the present specification and claims, refers either to the sum total audience viewing all programs at a particular time, or to the total audience of viewers who are capable of receiving programs at a particular time. The real-time information may then be transmitted to subscribers and display information derived from the transmitted information may then be displayed on the display apparatus 100.

Typically, the display information may comprise an alert to a user of the display apparatus 100, similar to the alert 105, informing the user that a program on another channel is currently being viewed by a large proportion of the audience and optionally suggesting that the user tune to that program or offering the user a shortcut, as is well known in the art of television broadcasting, to quickly tune to that program. Alternatively, any appropriate method of displaying the display information, such as displaying a bar graph or other graph indicating the proportion of the audience currently viewing the program presently being viewed by the user or the proportion currently viewing some other program, may be used. It is appreciated that the display information may be displayed, for example, at one or more of the following times: throughout viewing of a program; for a short time when a user tunes to a program, and on demand by a user, typically expressed by pressing a designated button on a remote control unit (not shown) as is well known in the art.

Reference is now made to FIG. 8B which is a simplified partly pictorial, partly block diagram illustration of a television system comprising a subscriber unit constructed and operative in accordance with another alternative preferred embodiment of the present invention. The system of FIG. 8B is similar to the system of FIG. 8A, except that in FIG. 8B the profile storage unit 370 and the intelligent agent 360 are comprised in the interface unit 110.

The operation of the system of FIG. 8B is similar to the operation of the system of FIG. 8A, except that in the operation of the system of FIG. 8B the headend 340 is operative to deliver a user preference profile which is typically different for each site, along with program schedule information which is typically the same for each site. It is appreciated that the user preference profile may be delivered only relatively infrequently such as, for example, once per day or once per month or even less often, in which case the embodiment of FIG. 8B might be preferred because of a

relatively small bandwidth required to deliver the user preference profile and the program schedule information.

Reference is now made to FIGS. 9A-9L, which are simplified pictorial representations of preferred embodiments of an electronic program guide, which may be displayed on the display of FIG. 1, of FIG. 8A, or of FIG. 8B. Each of FIGS. 9A-9L comprises, as described below, one screen display which may be part of an electronic program guide. For the purposes of the discussion below of FIGS. 9A-9L it is assumed that the viewer preference profile governing electronic program guide customization shows a preference for news programs beginning at 8:00 PM or later. It is appreciated that the same principles shown and described with reference to FIGS. 9A-9L apply to a wide variety of viewer preference profiles, including viewer preference profiles which are much more complicated than the given example.

The screen display of FIG. 9A shows a typical simplified example of a non-customized grid-type screen display, with time being shown in a first dimension and television channels being shown in a second dimension, the resulting grid being filled in with names of television programs scheduled for the indicated time and the indicated channel. As is well known in the art, various navigation techniques exist for a user of a program guide such as that of FIG. 9A to choose a given program, obtain more information about the program, book the program for future viewing, etc.

The screen display of FIG. 9B shows a typical simplified example of the screen display of FIG. 9A after customization. In FIG. 9B, news programs beginning at 8:00 PM or later are emphasized. It is appreciated that, as described above, such emphasis may be by highlighting, by a change in color, or by other means. It is appreciated that such highlighting, change in color, or other means may comprise a multi-valued scale, such that, for example, different kinds of highlighting or different colors may represent different levels of emphasis.

The screen display of FIG. 9C shows an alternative typical simplified example of the screen display of FIG. 9A after customization. In FIG. 9C, channels having news programs beginning at 8:00 PM or later have been reordered to appear at the beginning of the list of channels. It is appreciated that, in addition to reordering, emphasis as described above with reference to FIG. 9B may also be used.

The screen display of FIG. 9D shows a typical simplified example of an icon-based non-customized electronic program guide. In FIG. 9D, the icons 390 on the screen display represent program subject matter such as, for example, comedy programs or, as indicated by a news icon 395, news programs and, as indicated by a drama icon 397, drama programs. The viewer may preferably select, using methods well known in the art such as by moving a cursor and selecting with a mouse (not shown) or other input device well-known in the art, any of the icons 390 of FIG. 9D in order to obtain more detailed information on programs falling under the selected subject matter. In FIG. 9E, the icons 390, such as an 8:00 PM icon 400, represent particular times at which programs start, and icons may preferably be selected as described above with reference to FIG. 9D.

It is appreciated that a wide variety of different methods of icon organization may be provided, of which those of FIGS. 9D and 9E are only examples. It is further appreciated that, using methods well known in the art, a viewer may choose a method of icon organization or create a custom method of icon organization. For example, icons may be used to represent listings for a particular series of programs or set of related series of programs, including a user-defined

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series of programs, which method of organization may be preferable in a case where users desire to see programs of a particular series.

The screen display of FIG. 9F shows a typical simplified example of a screen display after a viewer selects the news icon 395 of FIG. 9D. The screen display of FIG. 9G shows a typical simplified example of a screen display after a viewer selects the 8:00 PM icon 400 of FIG. 9E.

FIGS. 9H-9K show typical simplified examples of the screen displays 9D-9G, respectively, customized to emphasize news programs beginning at 8:00 PM or later. It is appreciated that such icon-based customization may take a wide variety of forms, including: different forms of emphasis; re-ordering the hierarchical relationship between different icons and screens of icons; creating new icons; removing icons; and other forms of icon-based customization. It will be appreciated that such methods of changing the appearance and the hierarchical relationships of icons are well known in the art of computers and that those methods or any other appropriate methods could be applied to the present invention.

It is appreciated that the screen displays of FIGS. 9D-9G may be hierarchical and, generally, may be hierarchical to any desired depth, with a plurality of choices being generally possible at each level, and with many possible selections and/or arrangements of icons displayed at each level. To illustrate another possible level of hierarchy, FIG. 9I shows a possible hierarchical drama screen that may be displayed after user selection of the drama icon 397 of FIG. 9D.

It is further appreciated that, in FIGS. 9A-9K, any icon may be associated with additional material, which additional material may be presented to the user upon request, such as by pressing a particular button or by any other appropriate method. The additional material preferably comprises any material associated with the subject matter of the icon, particularly material which might help clarify to the user the meaning of the icon and of its underlying content. For example, and without limiting the generality of the foregoing, the additional material may comprise one or more of the following: audio material; visual material; audio-visual material; multimedia material; a computer program or other related material comprising computer instructions or software; and one or more previews of one or more associated programs. Any appropriate method known in the art, such as force tuning to a special program or downloading additional material on demand, may be used to present the additional material to the user.

It is appreciated that the additional material may be particularly useful in systems where one of a plurality of languages and/or dialects is preferred by each user and in cases where very complex character sets, such as, for example, Chinese characters and/or characters in certain other Oriental languages, are used to write a language. In such cases, audio material comprised in the additional material may provide an audio description in cases where providing a written description is technically difficult because of bandwidth limitations in presenting complex character sets or other limitations. In a case where one of a plurality of languages and/or dialects is preferred by each user, the language and/or dialect used in the additional material may be determined by one of the following: user preference information; conditional access parameters such as, for example, geographic information, as is well known in the art; or by any other appropriate method.

It is appreciated that various features of the invention which are, for clarity, described in the contexts of separate embodiments may also be provided in combination in a

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single embodiment. Conversely, various features of the invention which are, for brevity, described in the context of a single embodiment may also be provided separately or in any suitable subcombination.

It will be appreciated by persons skilled in the art that the present invention is not limited by what has been particularly shown and described hereinabove. Rather the scope of the invention is defined only by the claims which follow.

What is claimed is:

1. A television system comprising:

a television network; and

transmitting apparatus for transmitting program schedule information to a multiplicity of subscriber units, at least one of said multiplicity of subscriber units including: a receiving unit for receiving said program schedule information from said television network;

a profile storage unit for storing at least one viewer preference profile of at least one television viewer; an intelligent agent for customizing said program schedule information based, at least in part, on said viewer preference profile, to produce a program guide comprising customized program schedule information; and

display apparatus for displaying the program guide,

wherein said intelligent agent also comprises profile determination apparatus for determining viewer preference profile information for at least one television viewer and for providing said viewer preference profile information to said profile storage unit for storage as a viewer preference profile, and

said profile determination apparatus determines said viewer preference profile information by monitoring television viewing behavior of said at least one television viewer, and

said television viewing behavior comprises viewing only a portion of at least one viewed television program, and said profile determination apparatus compares a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length, and

said profile determination apparatus determines said viewer preference profile information based, at least in part, on whether said length is greater than said threshold length, and

when said length is determined to be less than said threshold length, said profile determination apparatus determines that said viewer is engaged in channel surfing behavior and said profile determination apparatus determines said viewer preference profile information based, at least in part, on said channel surfing behavior by modifying said viewer preference profile information to be appropriate for a user who engages in channel surfing behavior, and

said program schedule information includes randomly chosen information.

2. A subscriber unit for use in a television system comprising a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit comprising:

a receiving unit for receiving said program schedule information;

a profile storage unit for storing at least one viewer preference profile of at least one television viewer;

an intelligent agent for customizing said program schedule information based, at least in part, on said viewer

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preference profile, to produce a program guide comprising customized program schedule information; and display apparatus for displaying the program guide, wherein said intelligent agent also comprises profile determination apparatus for determining viewer preference profile information for at least one television viewer and for providing said viewer preference profile information to said profile storage unit for storage as a viewer preference profile, and

5 said profile determination apparatus determines said viewer preference profile information by monitoring television viewing behavior of said at least one television viewer, and

10 said television viewing behavior comprises viewing only a portion of at least one viewed television program, and

15 said profile determination apparatus compares a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length, and

20 said profile determination apparatus determines said viewer preference profile information based, at least in part, on whether said length is greater than said threshold length, and

25 when said length is determined to be less than said threshold length, said profile determination apparatus determines that said viewer is engaged in channel surfing behavior and said profile determination apparatus determines said viewer preference profile information based, at least in part, on said channel surfing behavior by modifying said viewer preference profile information to be appropriate for a user who engages in channel surfing behavior, and

30 said program schedule information includes randomly chosen information.

3. A television system comprising:

a television network; and

transmitting apparatus for transmitting program schedule information to a multiplicity of subscriber units, the transmitting apparatus comprising a headend, the headend including:

40 a profile storage unit for storing at least one viewer preference profile of at least one television viewer associated with one of said multiplicity of subscriber units; and

45 an intelligent agent for customizing said program schedule information based, at least in part, on said viewer preference profile, to produce customized program schedule information,

50 wherein said transmitting apparatus is operative to transmit the customized program schedule information to said one of said multiplicity of subscriber units, and

55 at least one of said multiplicity of subscriber units includes:

a receiving unit for receiving said customized program schedule information from said television network; and

60 display apparatus for displaying a program guide comprising the customized program schedule information,

wherein said intelligent agent also comprises profile determination apparatus for determining viewer preference profile information for at least one television viewer and for providing said viewer preference profile information to said profile storage unit for storage as a viewer preference profile, and

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said profile determination apparatus determines said viewer preference profile information by monitoring television viewing behavior of said at least one television viewer, and

said television viewing behavior comprises viewing only a portion of at least one viewed television program, and

said profile determination apparatus compares a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length, and

said profile determination apparatus determines said viewer preference profile information based, at least in part, on whether said length is greater than said threshold length, and

when said length is determined to be less than said threshold length, said profile determination apparatus determines that said viewer is engaged in channel surfing behavior and said profile determination apparatus determines said viewer preference profile information based, at least in part, on said channel surfing behavior by modifying said viewer preference profile information to be appropriate for a user who engages in channel surfing behavior, and

said program schedule information includes randomly chosen information.

4. A headend for use in a television system comprising a television network and transmitting apparatus for transmitting customized program schedule information to at least one subscriber unit, the headend comprising:

a profile storage unit for storing at least one viewer preference profile of at least one television viewer associated with said at least one subscriber unit; and

an intelligent agent for customizing said program schedule information based, at least in part, on said viewer preference profile, to produce customized program schedule information,

wherein said intelligent agent also comprises profile determination apparatus for determining viewer preference profile information for at least one television viewer and for providing said viewer preference profile information to said profile storage unit for storage as a viewer preference profile, and

said profile determination apparatus determines said viewer preference profile information by monitoring television viewing behavior of said at least one television viewer, and

said television viewing behavior comprises viewing only a portion of at least one viewed television program, and

said profile determination apparatus compares a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length, and

said profile determination apparatus determines said viewer preference profile information based, at least in part, on whether said length is greater than said threshold length, and

when said length is determined to be less than said threshold length, said profile determination apparatus determines that said viewer is engaged in channel surfing behavior and said profile determination apparatus determines said viewer preference profile information based, at least in part, on said channel surfing behavior by modifying said viewer preference profile

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information to be appropriate for a user who engages in channel surfing behavior, and

said program schedule information includes randomly chosen information.

5. Apparatus according to claim 2 and wherein said profile determination apparatus determines viewer preference profile information, at least in part, from a reaction of said at least one television viewer to previously displayed customized program schedule information.

6. Apparatus according to claim 2 and wherein said program schedule information comprises a first plurality of criteria, at least one of said first plurality of criteria being associated with each of a second plurality of television programs, and

said profile determination apparatus determines said viewer preference profile information based, at least in part, on at least one of said plurality of criteria associated with said at least one viewed television program.

7. Apparatus according to claim 2 and wherein said profile determination apparatus determines said viewer preference profile information, at least in part, in accordance with input provided by said at least one television viewer.

8. Apparatus according to claim 2 and also comprising viewer preference profile loading apparatus for providing a recorded viewer preference profile to the profile storage unit for storage.

9. Apparatus according to claim 8 wherein said viewer preference profile loading apparatus receives said recorded viewer preference profile via said television network.

10. Apparatus according to claim 2 and wherein said customizing comprises one of the following: emphasizing at least a portion of said customized program schedule information based, at least in part, on said viewer preference profile; and deemphasizing at least a portion of said customized program schedule information based, at least in part, on said viewer preference profile.

11. Apparatus according to claim 2 and wherein said customizing comprises automatically tuning to a program selected based, at least in part, on said viewer preference profile.

12. Apparatus according to claim 2 and wherein said customizing comprises automatically recording, on recording apparatus, a program selected based, at least in part, on said viewer preference profile.

13. Apparatus according to claim 2 and wherein said display apparatus is operative to display an on-screen alert comprising at least part of said customized program schedule information.

14. Apparatus according to claim 13 and wherein said on-screen alert comprises an unsolicited alert of audience viewing information comprising an indication of a proportion of an audience currently viewing a program.

15. Apparatus according to claim 13 and wherein said display apparatus displays said on-screen alert a predetermined period of time before a scheduled starting time of a television program, said at least part of said customized program schedule information comprising information associated with said television program.

16. Apparatus according to claim 2 and wherein said display apparatus comprises an icon-based guide generator for producing an icon-based hierarchical program guide comprising said program schedule information, and the program guide comprises the icon-based hierarchical program guide.

17. A method for providing a program guide in a television system, the method comprising:

providing a television network; and

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transmitting program schedule information to a multiplicity of subscriber units, each subscriber unit performing the following steps:

receiving said program schedule information from said television network;

storing at least one viewer preference profile of at least one television viewer;

employing an intelligent agent to customize said program schedule information based, at least in part, on said viewer preference profile, to produce a program guide comprising customized program schedule information; and

displaying the program guide,

wherein said intelligent agent determines viewer preference profile information for at least one television viewer and provides said viewer preference profile information for storage as a viewer preference profile, and

said viewer preference profile information is determined by monitoring television viewing behavior of said at least one television viewer, and

said television viewing behavior comprises viewing only a portion of at least one viewed television program, and

the method also includes:

comparing a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length,

wherein said viewer preference profile information is determined based, at least in part, on whether said length is greater than said threshold length, and

when said length is determined to be less than said threshold length, a determination is made that said viewer is engaged in channel surfing behavior and said viewer preference profile information is determined based, at least in part, on said channel surfing behavior by modifying said viewer preference profile information to be appropriate for a user who engages in channel surfing behavior, and

said program schedule information includes randomly chosen information.

18. A method for providing a program guide in a television system comprising a television network and transmitting apparatus for transmitting program schedule information, the method comprising:

receiving said program schedule information;

storing at least one viewer preference profile of at least one television viewer;

employing an intelligent agent to customize said program schedule information based, at least in part, on said viewer preference profile, to produce a program guide comprising customized program schedule information; and

displaying the program guide,

wherein said intelligent agent determines viewer preference profile information for at least one television viewer and provides said viewer preference profile information for storage as a viewer preference profile, and

said viewer preference profile information is determined by monitoring television viewing behavior of said at least one television viewer, and

said television viewing behavior comprises viewing only a portion of at least one viewed television program, and

the method also includes:

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comparing a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length,

wherein said viewer preference profile information is determined based, at least in part, on whether said length is greater than said threshold length, and

when said length is determined to be less than said threshold length, a determination is made that said viewer is engaged in channel surfing behavior and said viewer preference profile information is determined based, at least in part, on said channel surfing behavior by modifying said viewer preference profile information to be appropriate for a user who engages in channel surfing behavior, and

said program schedule information includes randomly chosen information.

19. A method for providing a program guide in a television system, the method comprising:

providing a television network; and

transmitting program schedule information to a multiplicity of subscriber units,

wherein the step of transmitting comprises:

storing at least one viewer preference profile of at least one television viewer associated with one of said multiplicity of subscriber units;

employing an intelligent agent to customize said program schedule information based, at least in part, on said viewer preference profile, to produce customized program schedule information;

transmitting the customized program schedule information to said one of said multiplicity of subscriber units;

receiving, at said one of said multiplicity of subscriber units, said customized program schedule information from said television network; and

displaying a program guide comprising the customized program schedule information,

wherein said intelligent agent determines viewer preference profile information for at least one television viewer and provides said viewer preference profile information for storage as a viewer preference profile, and

said viewer preference profile information is determined by monitoring television viewing behavior of said at least one television viewer, and

said television viewing behavior comprises viewing only a portion of at least one viewed television program, and the method also includes:

comparing a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length,

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wherein said viewer preference profile information is determined based, at least in part, on whether said length is greater than said threshold length, and

when said length is determined to be less than said threshold length, a determination is made that said viewer is engaged in channel surfing behavior and said viewer preference profile information is determined based, at least in part, on said channel surfing behavior by modifying said viewer preference profile information to be appropriate for a user who engages in channel surfing behavior, and

said program schedule information includes randomly chosen information.

20. A method for providing a program guide in a television system comprising a television network and transmitting apparatus for transmitting customized program schedule information, the method comprising:

storing at least one viewer preference profile of at least one television viewer associated with one of said multiplicity of subscriber units; and

customizing said program schedule information, using an intelligent agent, based, at least in part, on said viewer preference profile, to produce customized program schedule information,

wherein said intelligent agent determines viewer preference profile information for at least one television viewer and provides said viewer preference profile information for storage as a viewer preference profile, and

said viewer preference profile information is determined by monitoring television viewing behavior of said at least one television viewer, and

said television viewing behavior comprises viewing only a portion of at least one viewed television program, and the method also includes:

comparing a length of said portion of said at least one viewed television program to a predetermined viewing threshold length to determine whether said length is greater than said threshold length,

wherein said viewer preference profile information is determined based, at least in part, on whether said length is greater than said threshold length, and

when said length is determined to be less than said threshold length, a determination is made that said viewer is engaged in channel surfing behavior and said viewer preference profile information is determined based, at least in part, on said channel surfing behavior by modifying said viewer preference profile information to be appropriate for a user who engages in channel surfing behavior, and

said program schedule information includes randomly chosen information.

* * * * *

COPY OF HENDRICKS ET AL. U.S. PATENT NO. 6,539,548



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(12) **United States Patent**
Hendricks et al.

(10) **Patent No.: US 6,539,548 B1**
(45) **Date of Patent: Mar. 25, 2003**

(54) **OPERATIONS CENTER FOR A TELEVISION
PROGRAM PACKAGING AND DELIVERY
SYSTEM**

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Bethesda, MD (US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
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86, 109, 68, 67; 348/906, 569, 570, 722

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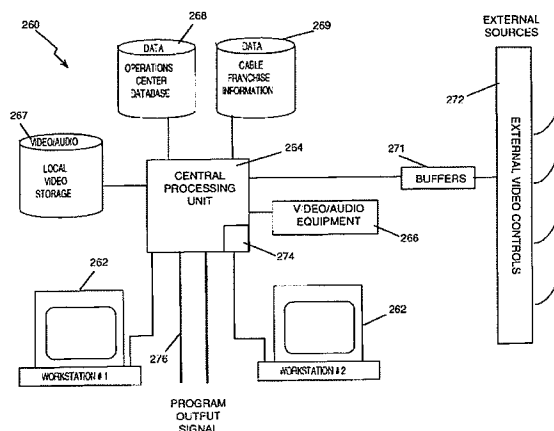
Primary Examiner—Chris Grant

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(57) **ABSTRACT**

An Operations Center for television entertainment systems
that provide television programming to consumer homes is
disclosed. The Operations Center organizes and packages
television programming and program information for deliv-
ery to and from consumer homes. The Operations Center
includes a computerized packaging system for creating a
program control information signal.

72 Claims, 86 Drawing Sheets



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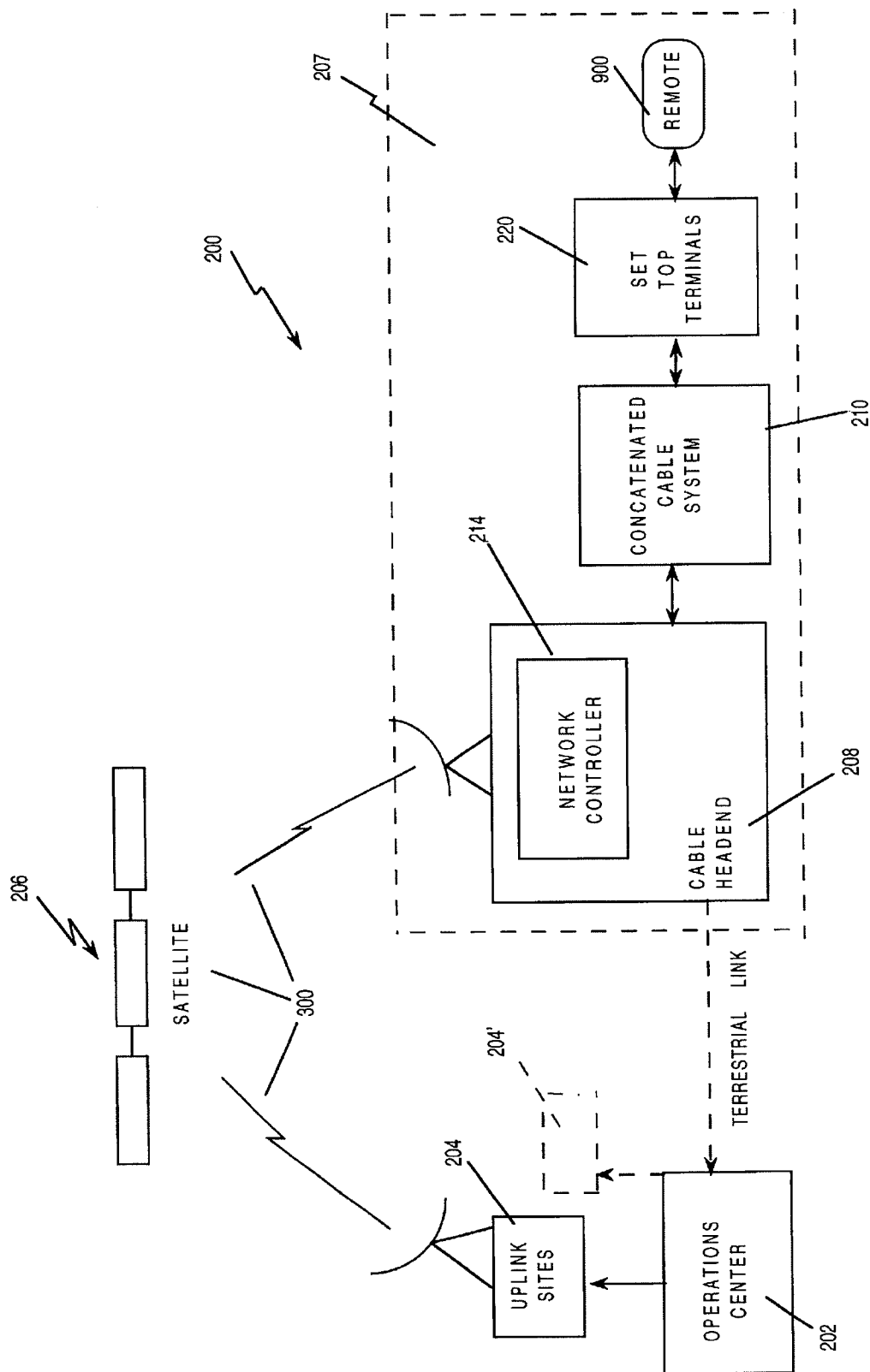


Fig. 1

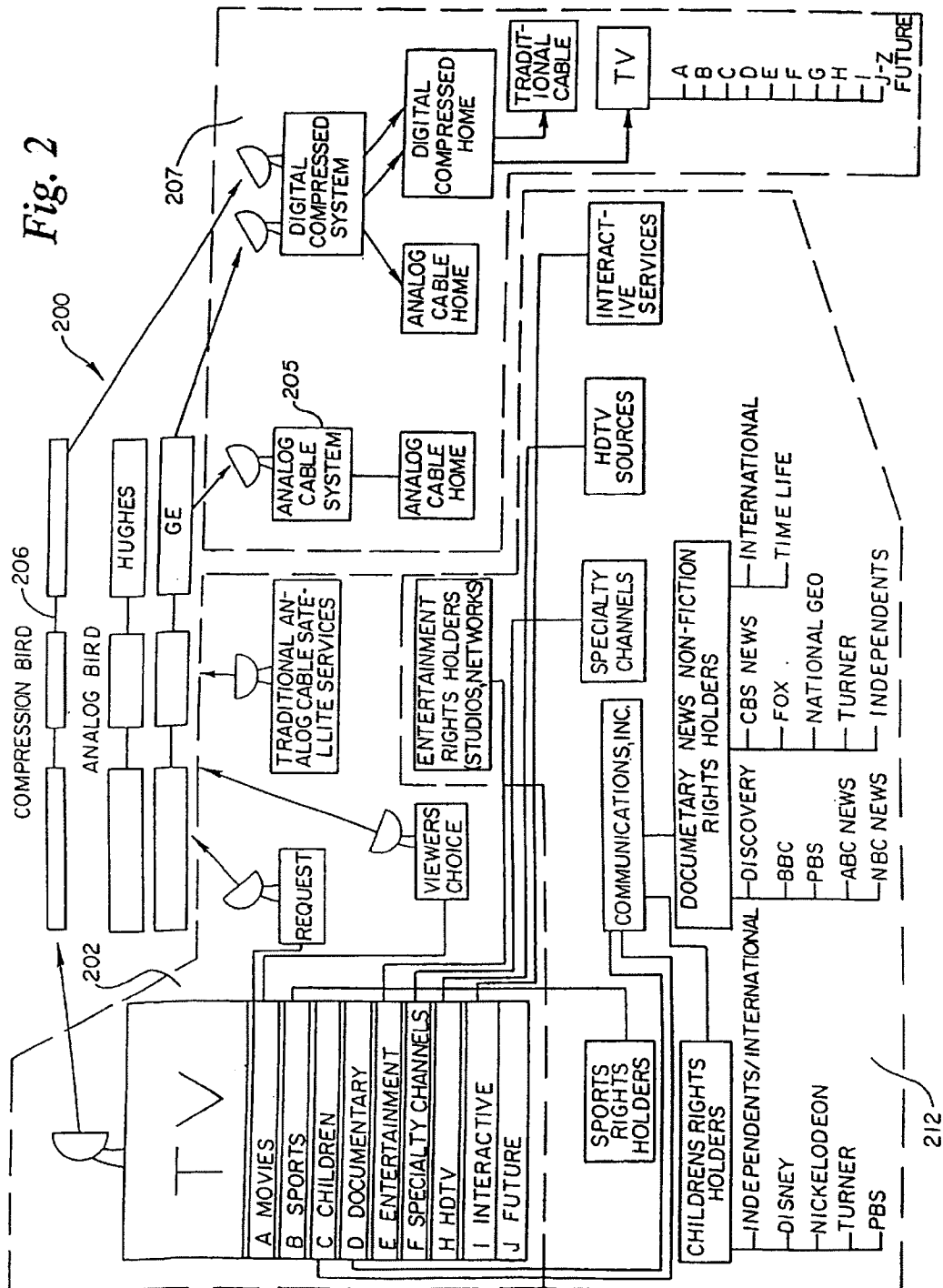
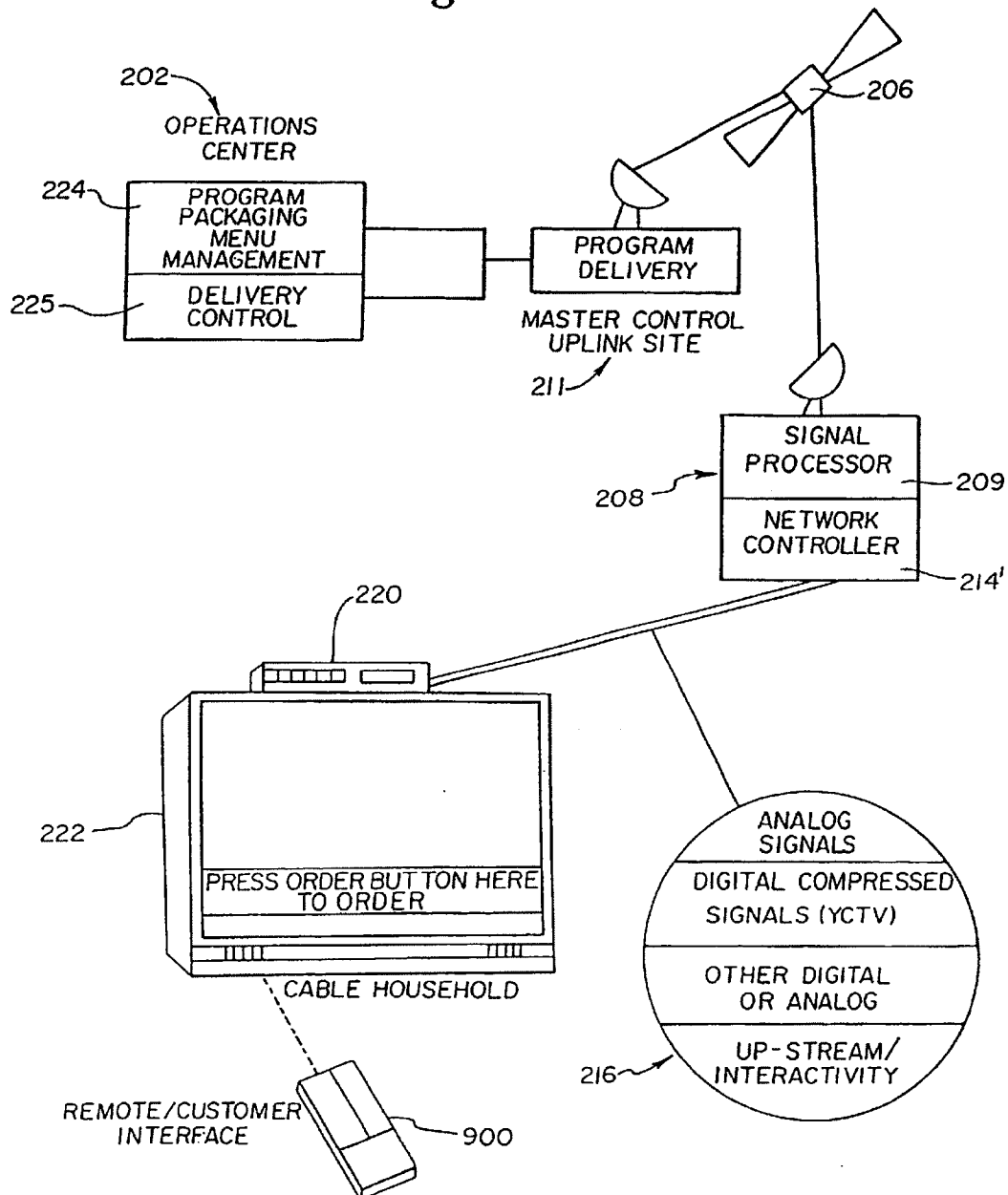


Fig. 3

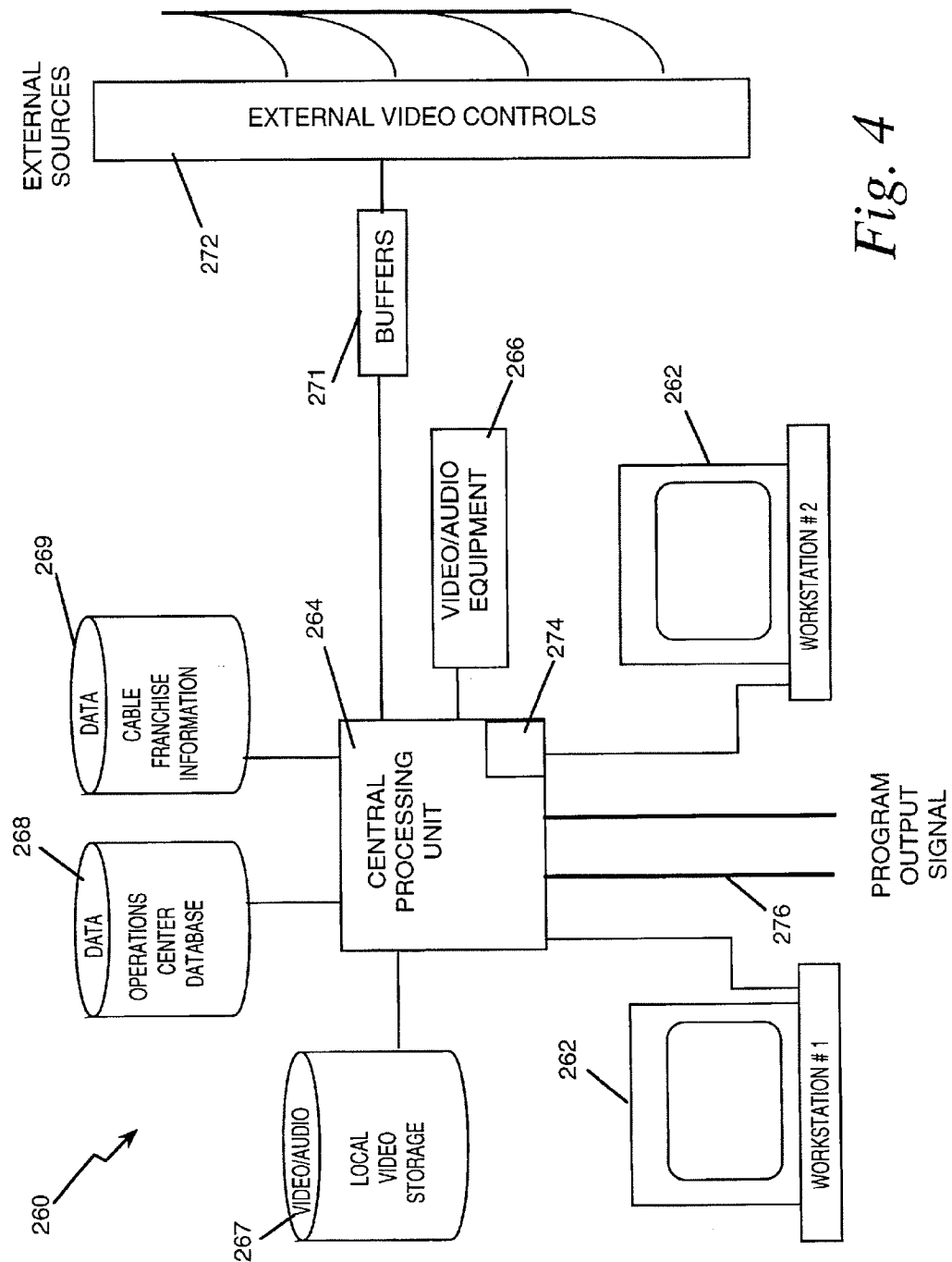


Fig. 4

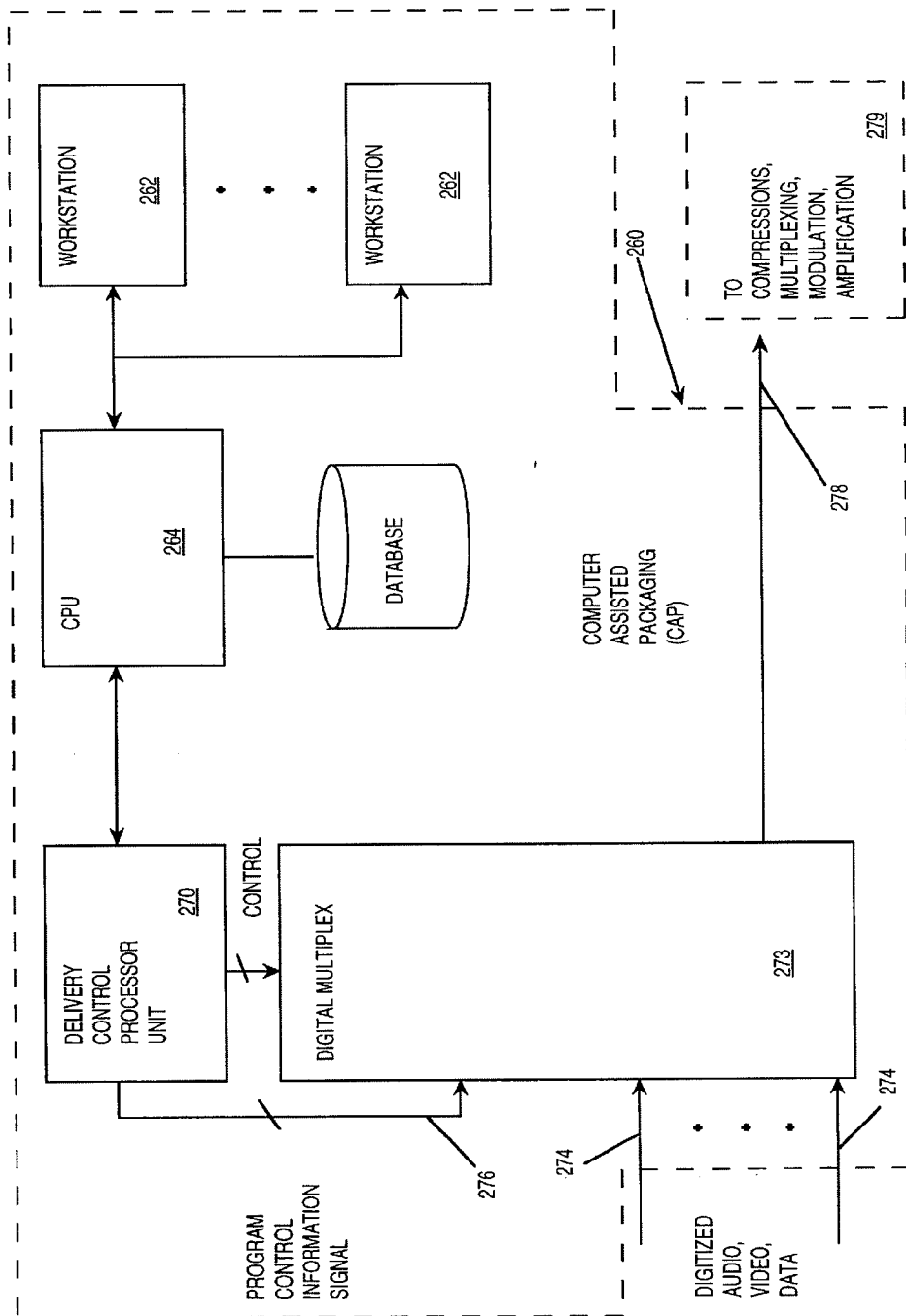


Fig. 5

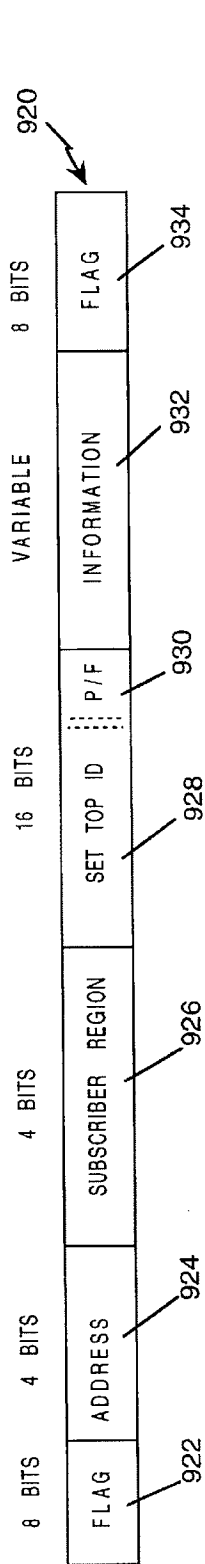


Fig. 6a

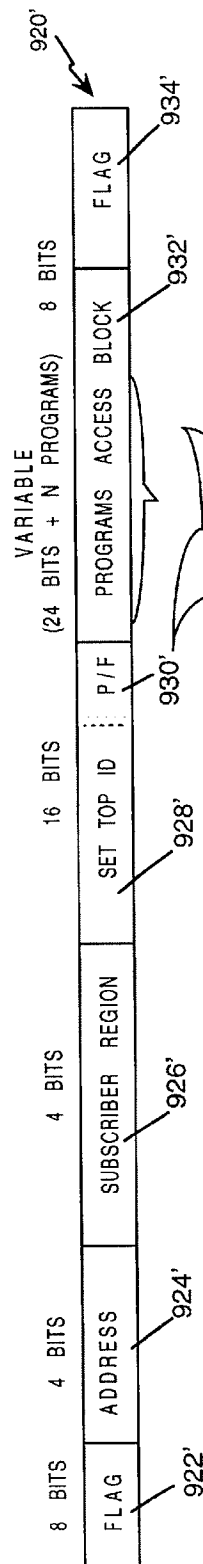
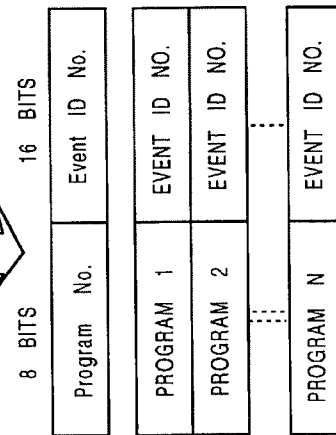


Fig. 6b



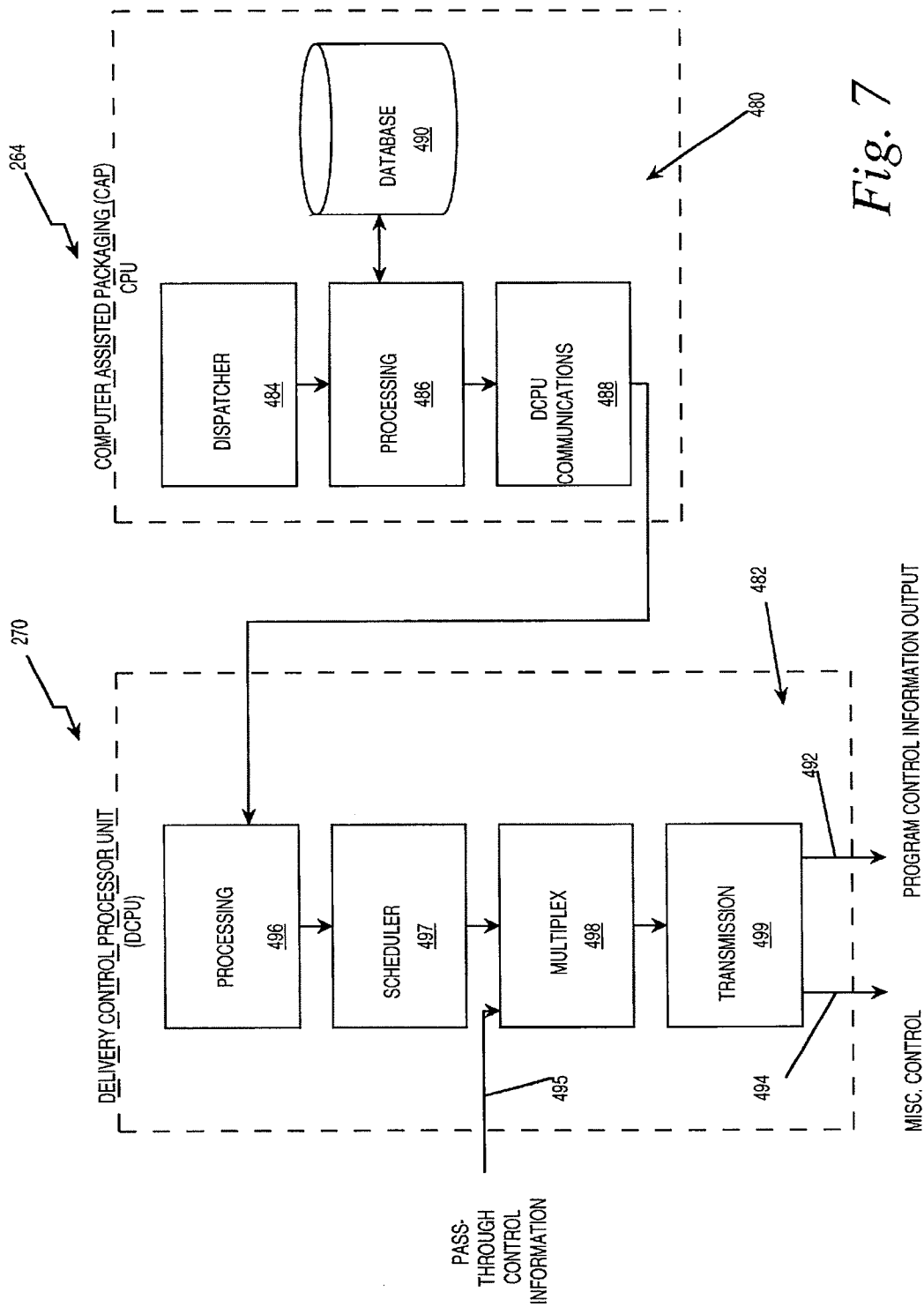
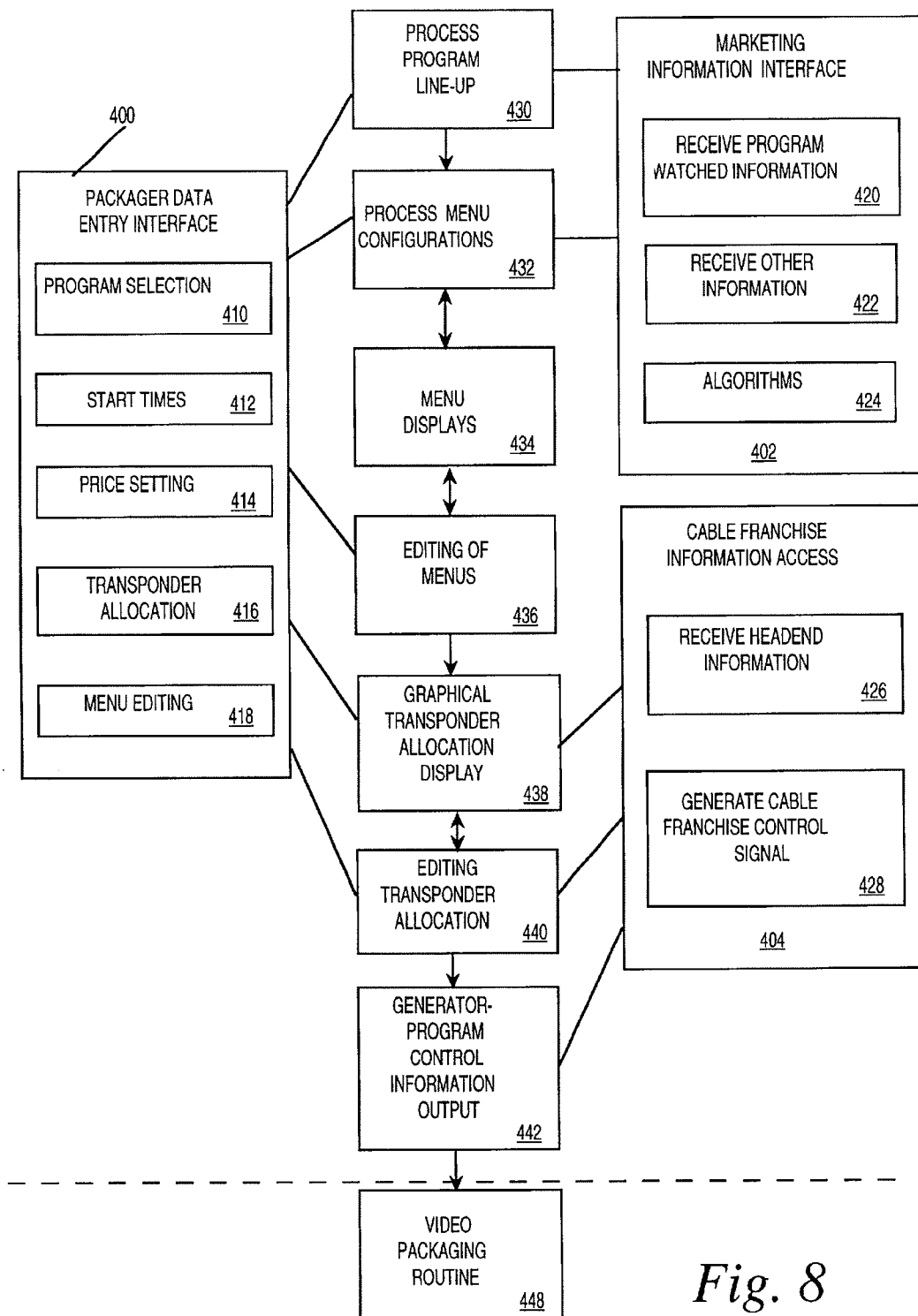
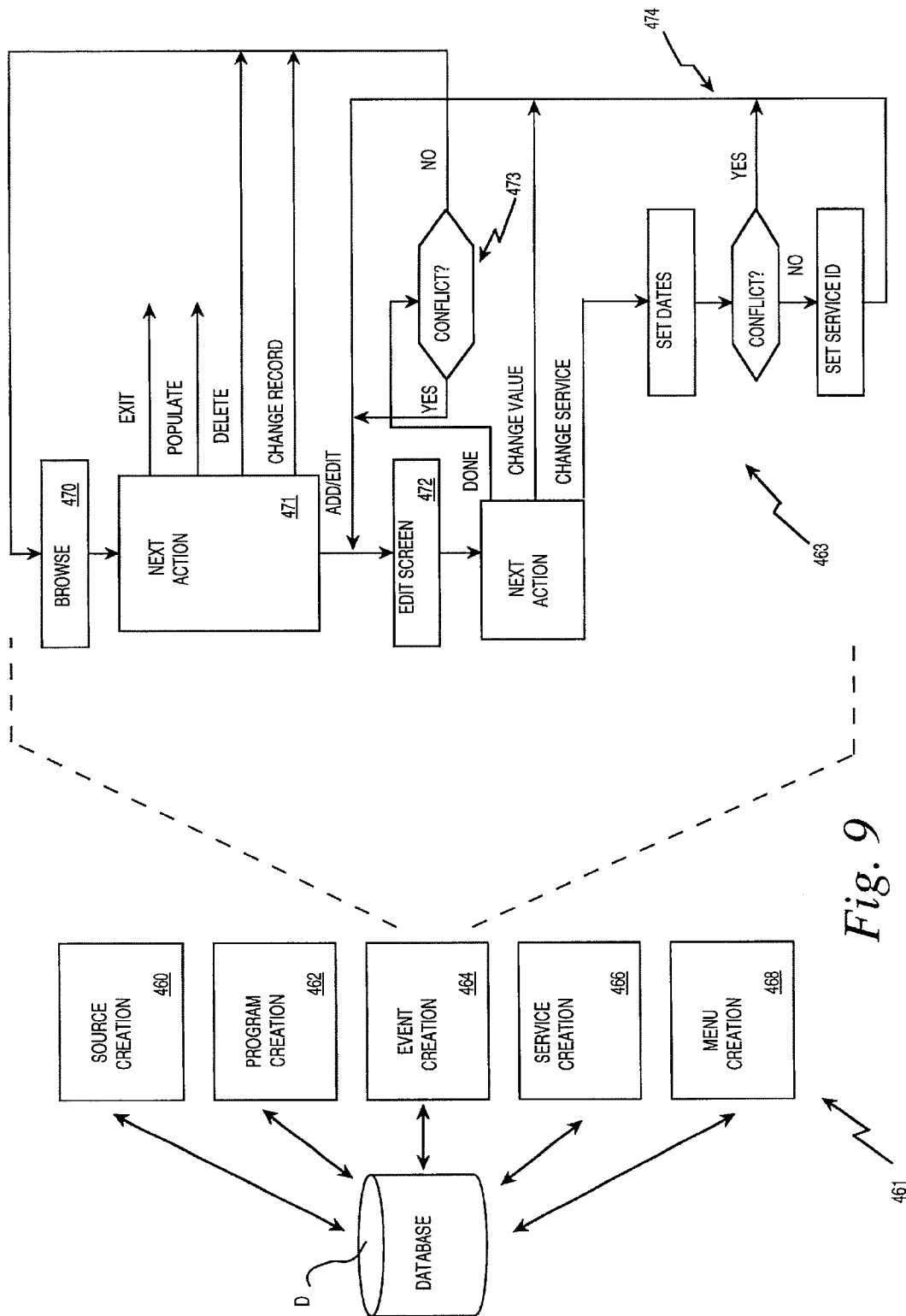
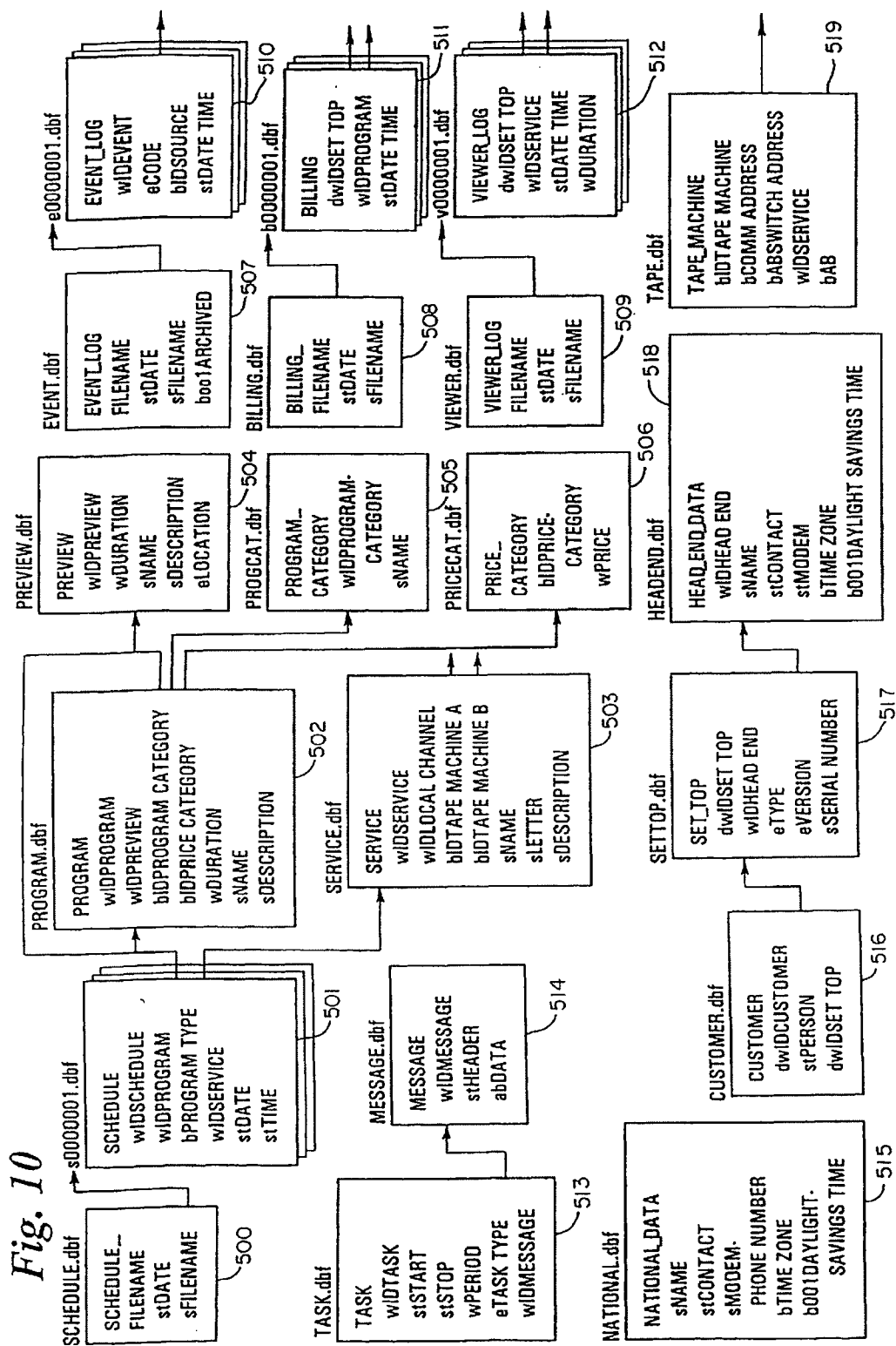


Fig. 7

*Fig. 8*





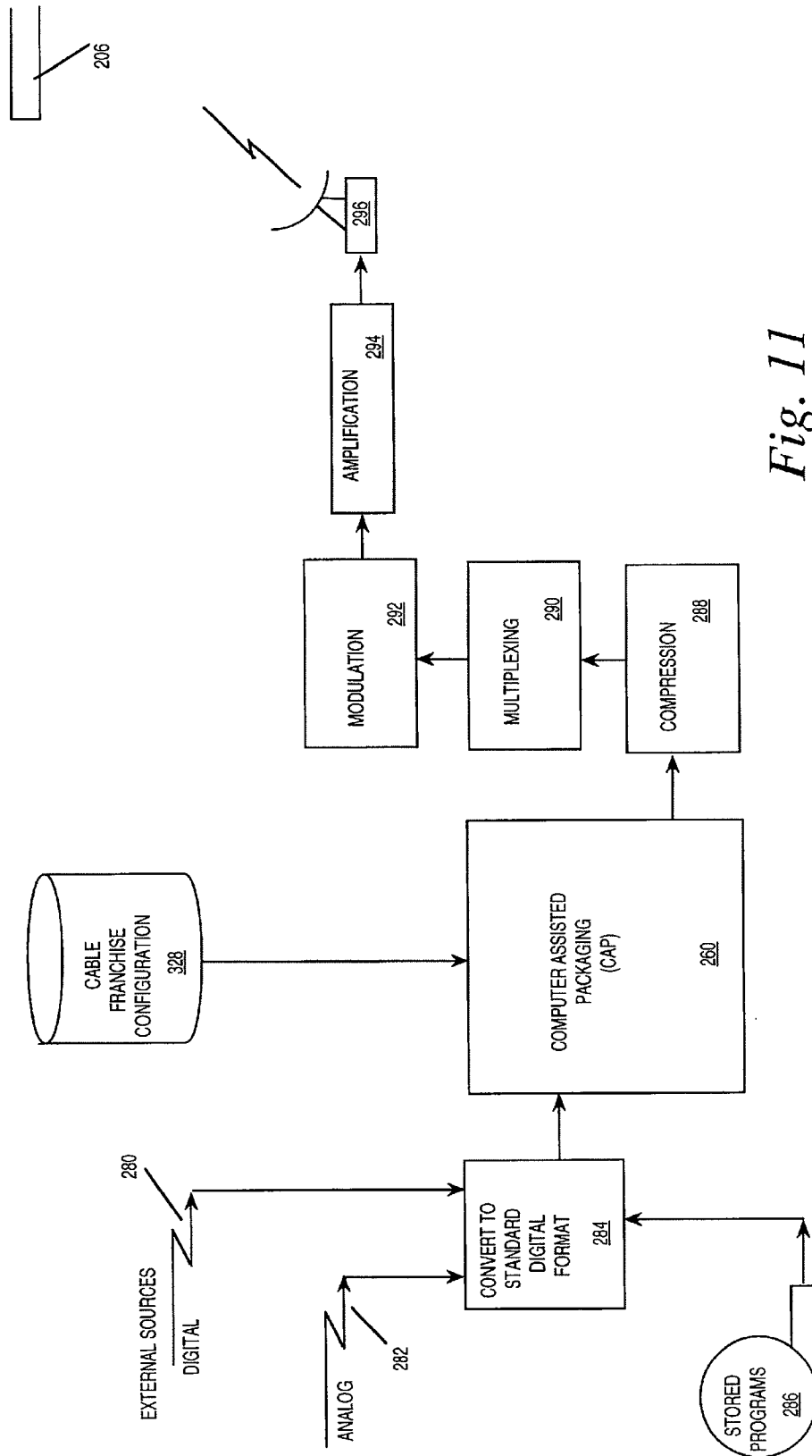
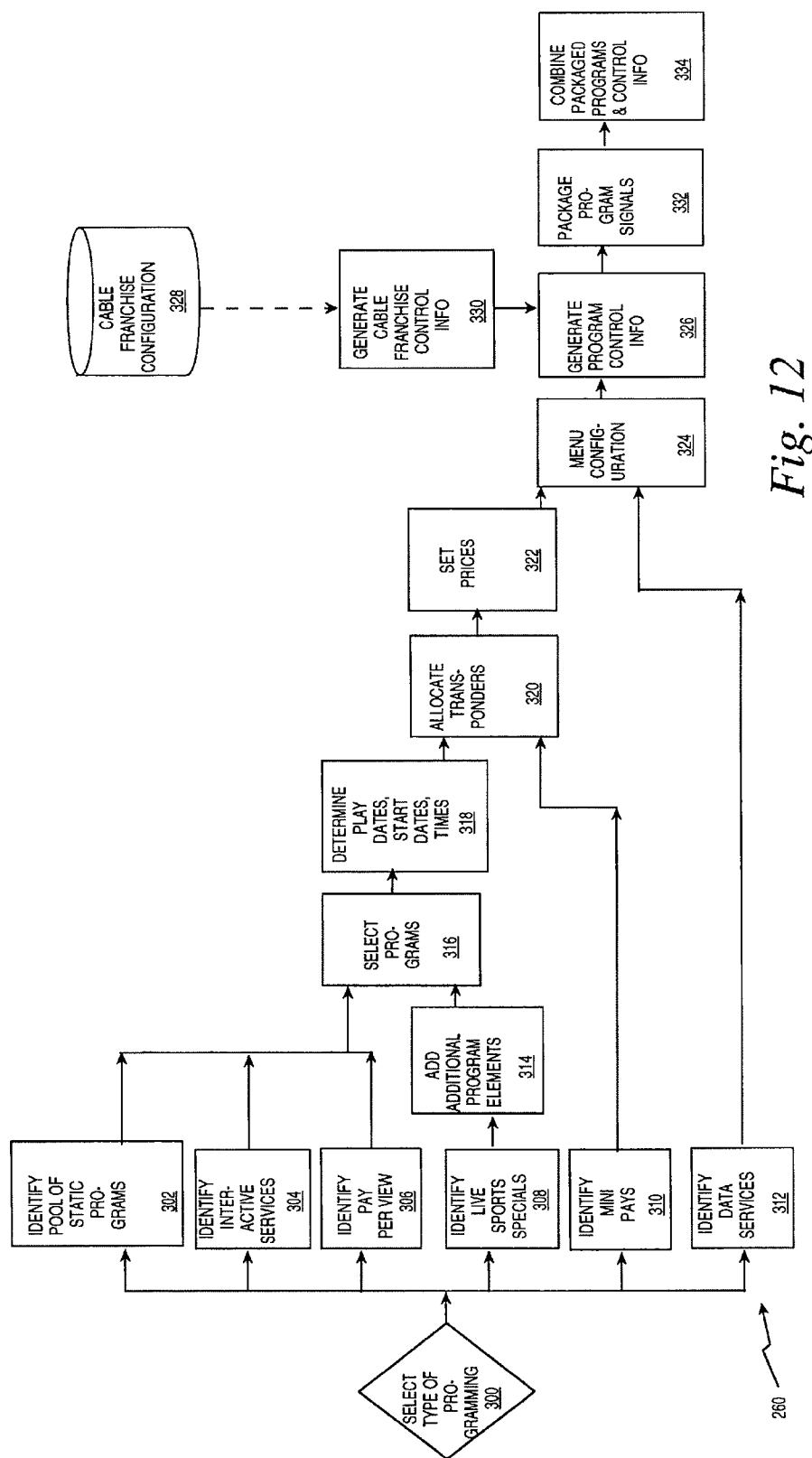


Fig. 11



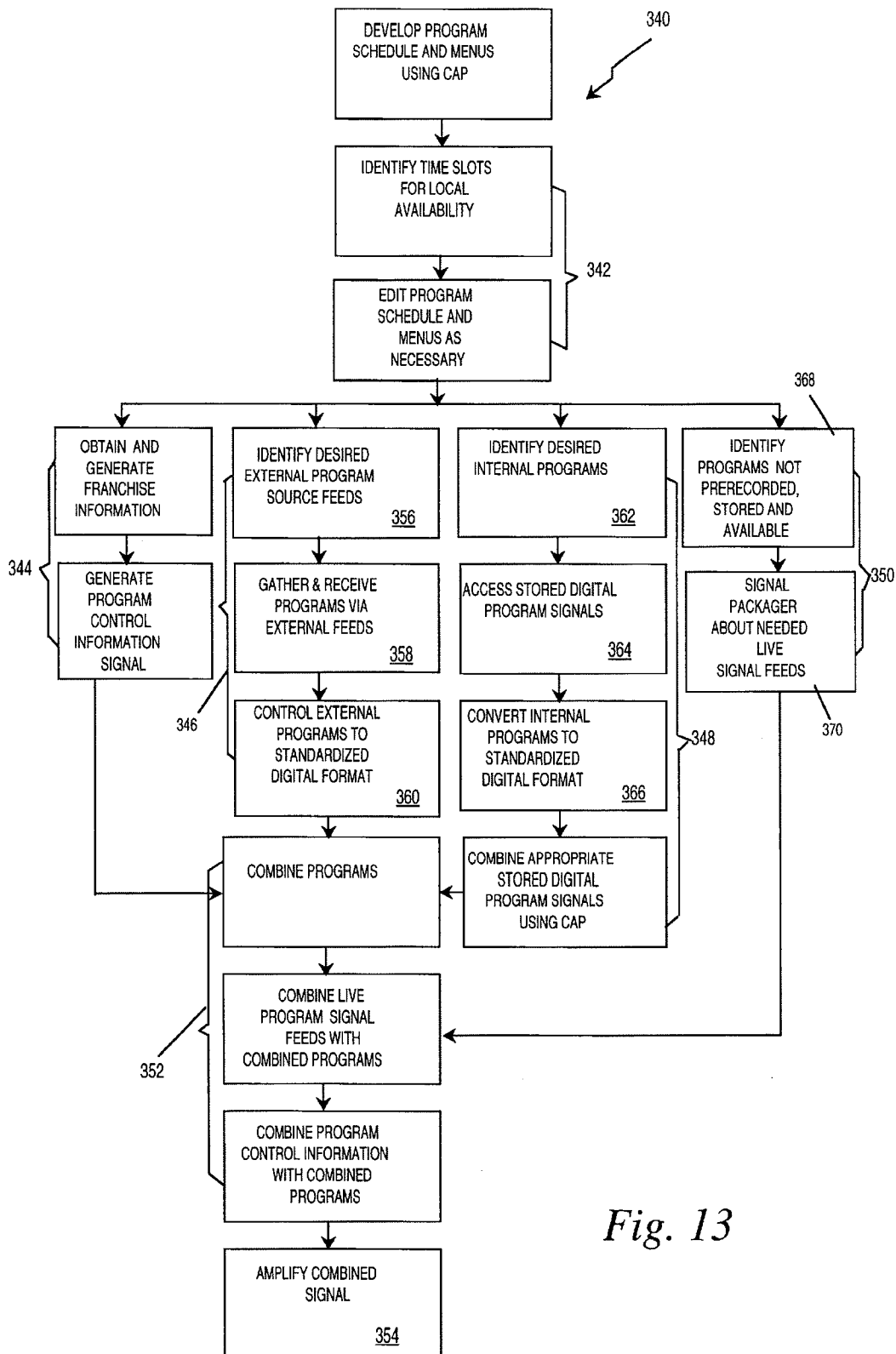


Fig. 13

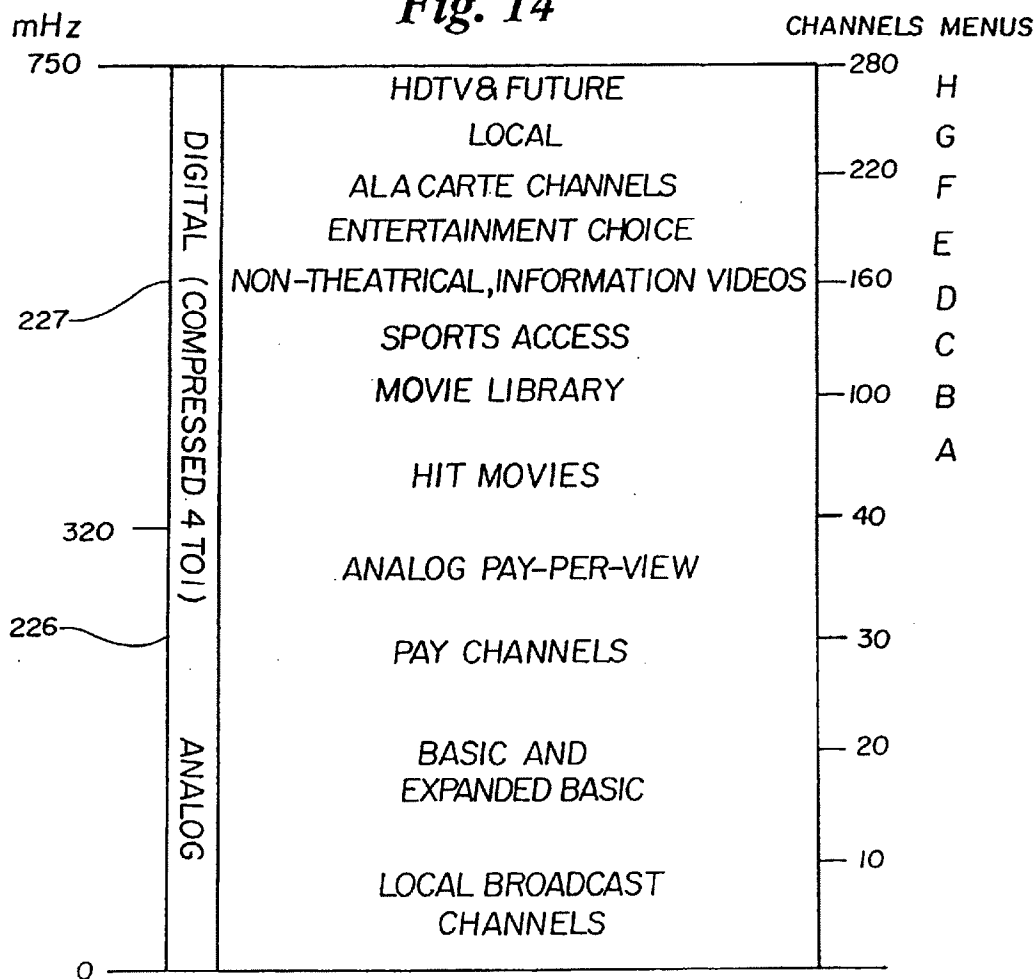





















Fig. 14*Fig. 15*

Fig. 15 is a table showing the channel menu programming category and the number of channels allocated for each category.

CHANNEL MENU	PROGRAMMING CATEGORY	#CHANNELS ALLOCATED
A	MOVIES	50
B	SPORTS	2
C	CHILDRENS	3
D	DOCUMENTARY	14
E	ENTERTAINMENT	10
F	SPECIALTY CHANNELS	15
G	LOCAL	N/A
H	HDTV	4
I	INTERACTIVE	2
	COMBINED	100

*Fig. 16*SATELLITE MOVIE
OPTIONS

VCTV COMP. COMBO RATIO		AVAILABLE MENUS (1,283)	PRIORITY ONE MENUS	PRIORITY ONE PLUS TWO MENUS
1	8:1	 HIT MOVIES 8 MOVIE SELECTIONS WITH START TIMES EVERY 15 MINUTES	 HIT MOVIES 6 MOVIE SELECTIONS WITH START TIMES EVERY 30 MINUTES	 HIT MOVIES 6 MOVIE SELECTIONS WITH START TIMES EVERY 15 MINUTES
2	8:1			
3	8:1			
4	8:1			
5	8:1			
6	8:1			
7	8:1			
8	8:1			
9	4:1	 SPORTS 8 SELECTIONS	 SPORTS 2 SELECTIONS	 SPORTS 4 SELECTIONS
10	4:1			
11	8:1	 CHILDRENS 8 SELECTIONS	 CHILDRENS 2 SELECTIONS	 CHILDRENS 4 SELECTIONS
12	8:1	 DOCS/NEWS 8 SELECTIONS	 DOCS/NEWS 2 SELECTIONS	 DOCS/NEWS 4 SELECTIONS
13	8:1	 ENTERTAIN- MENT 8 SELECTIONS	 ENTERTAIN- MENT 4 SELECTIONS	 ENTERTAIN- MENT 6 SELECTIONS
14	8:1	 SPECIAL- INTEREST CHANNELS 16 SELECTIONS	 SPECIAL- INTEREST CHANNELS 4 SELECTIONS	 SPECIAL- INTEREST CHANNELS 8 SELECTIONS
15	8:1			
16	8:1	PROMOS (1/6 SCREEN) 48	PROMOS (1/6 SCREEN) 6	PROMOS (1/6 SCREEN) 48
17	8:1 or max 8:1 or max	DATA STREAM	DATA STREAM	DATA STREAM
18		 MUSIC 32 DIGITED STATIONS	 MUSIC 4 DIGITED STATIONS	 MUSIC 32 DIGITED STATIONS
		244	240	242

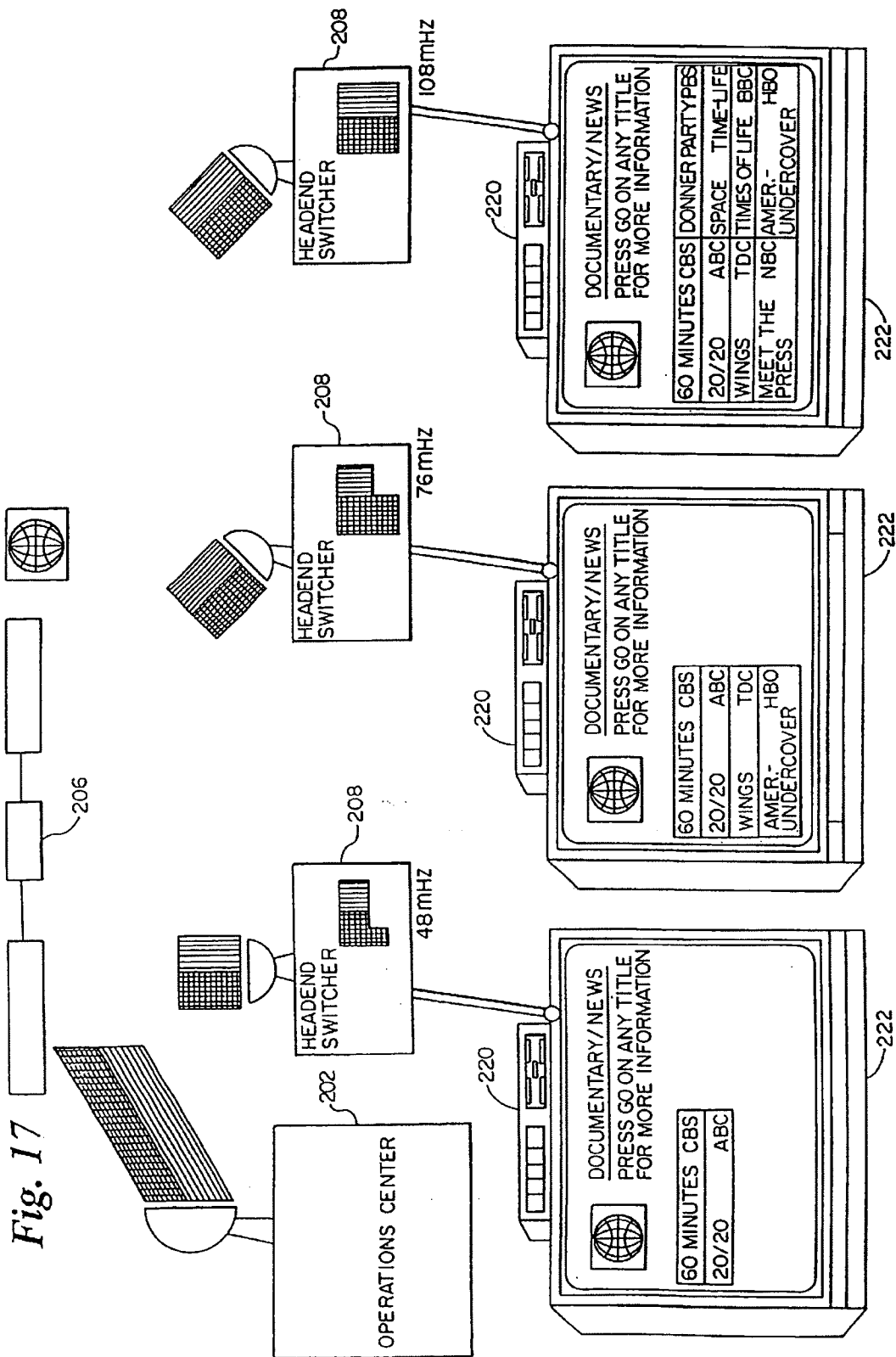


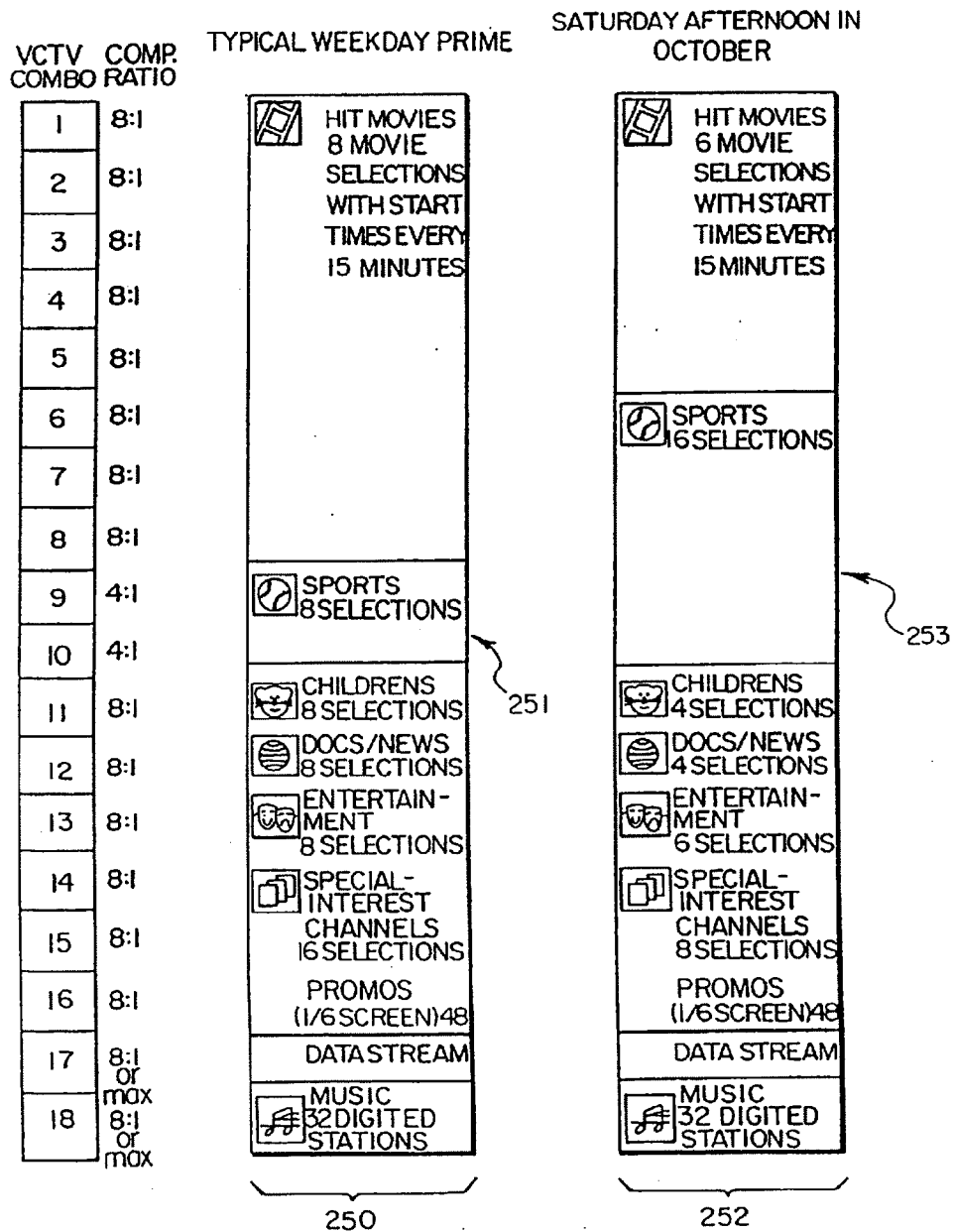
Fig. 18

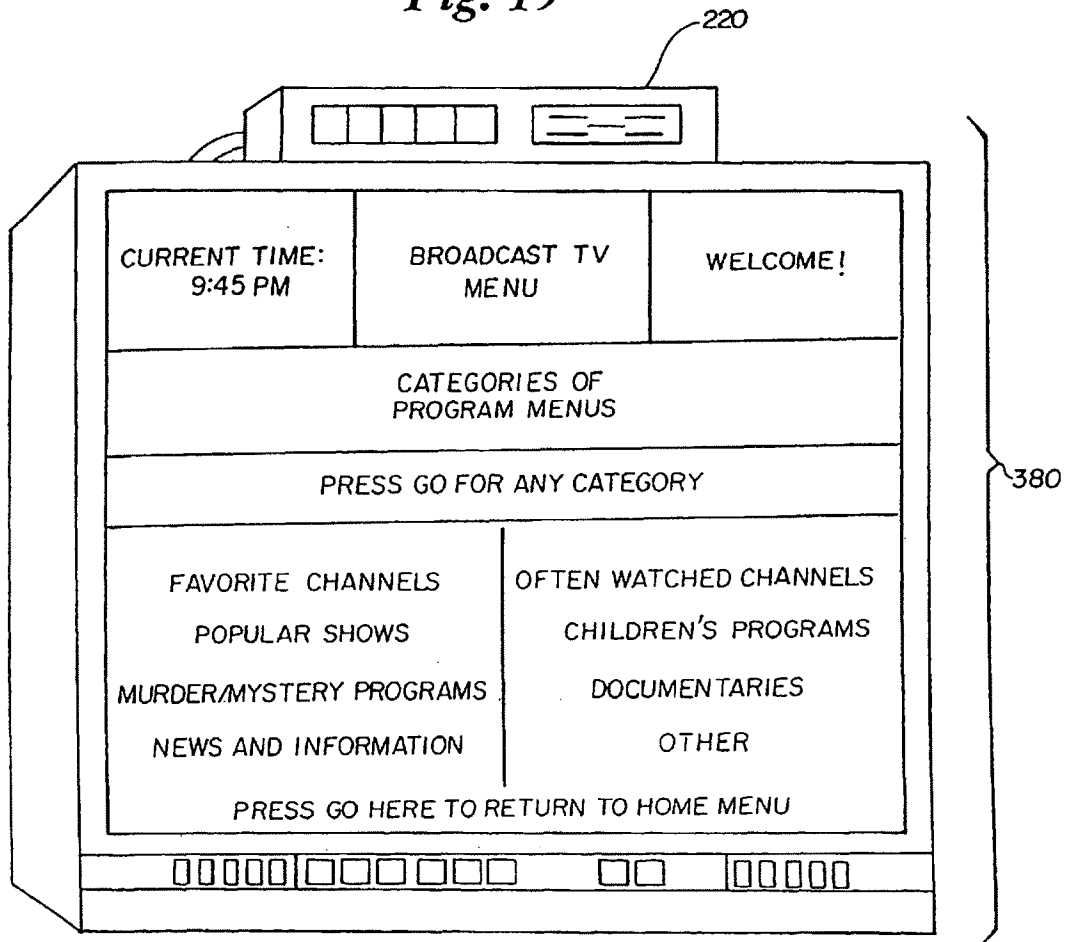
Fig. 19

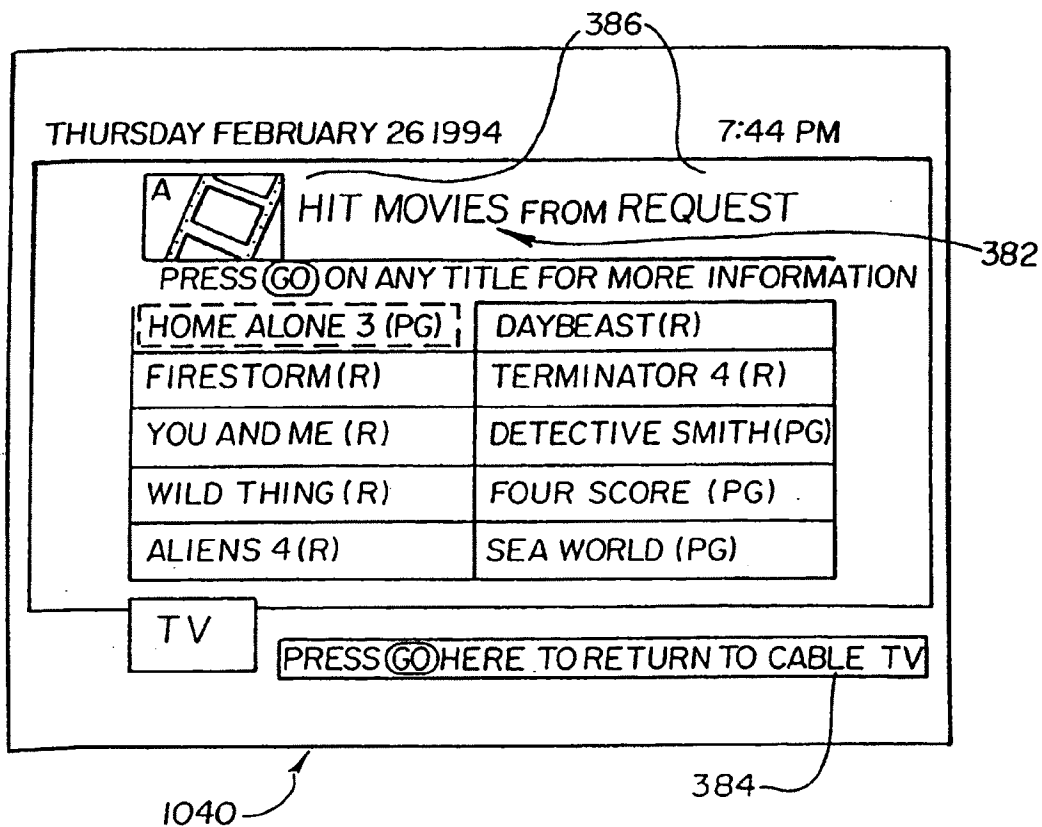
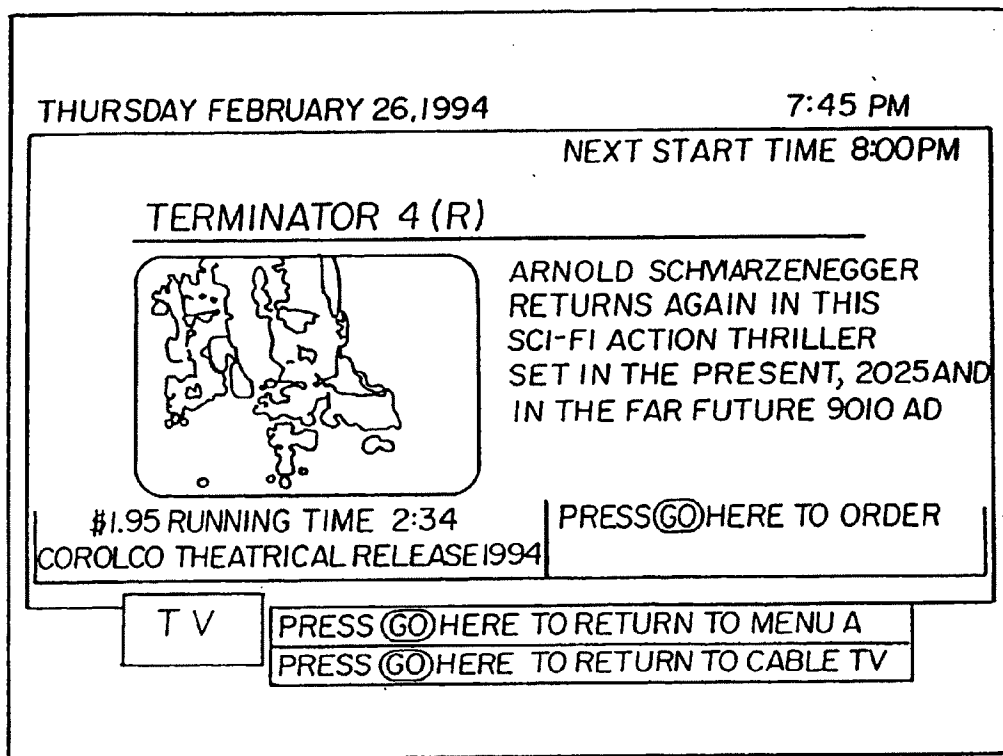
Fig. 20

Fig. 21

1120

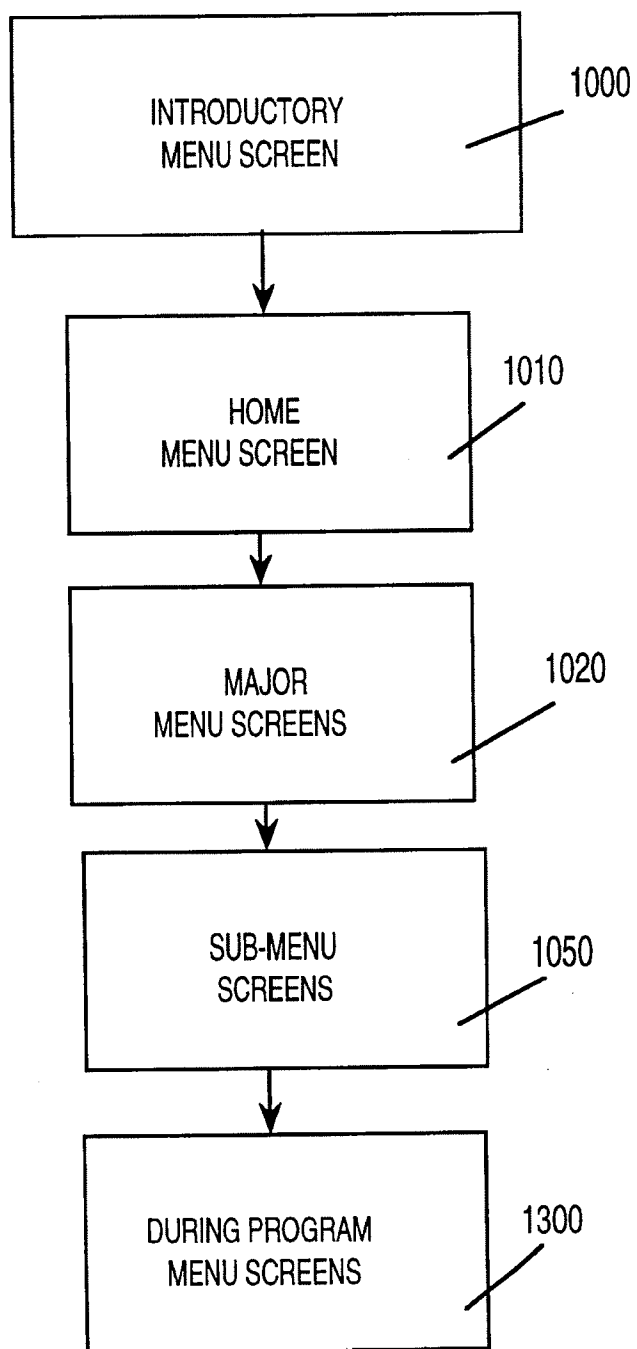


Fig. 22

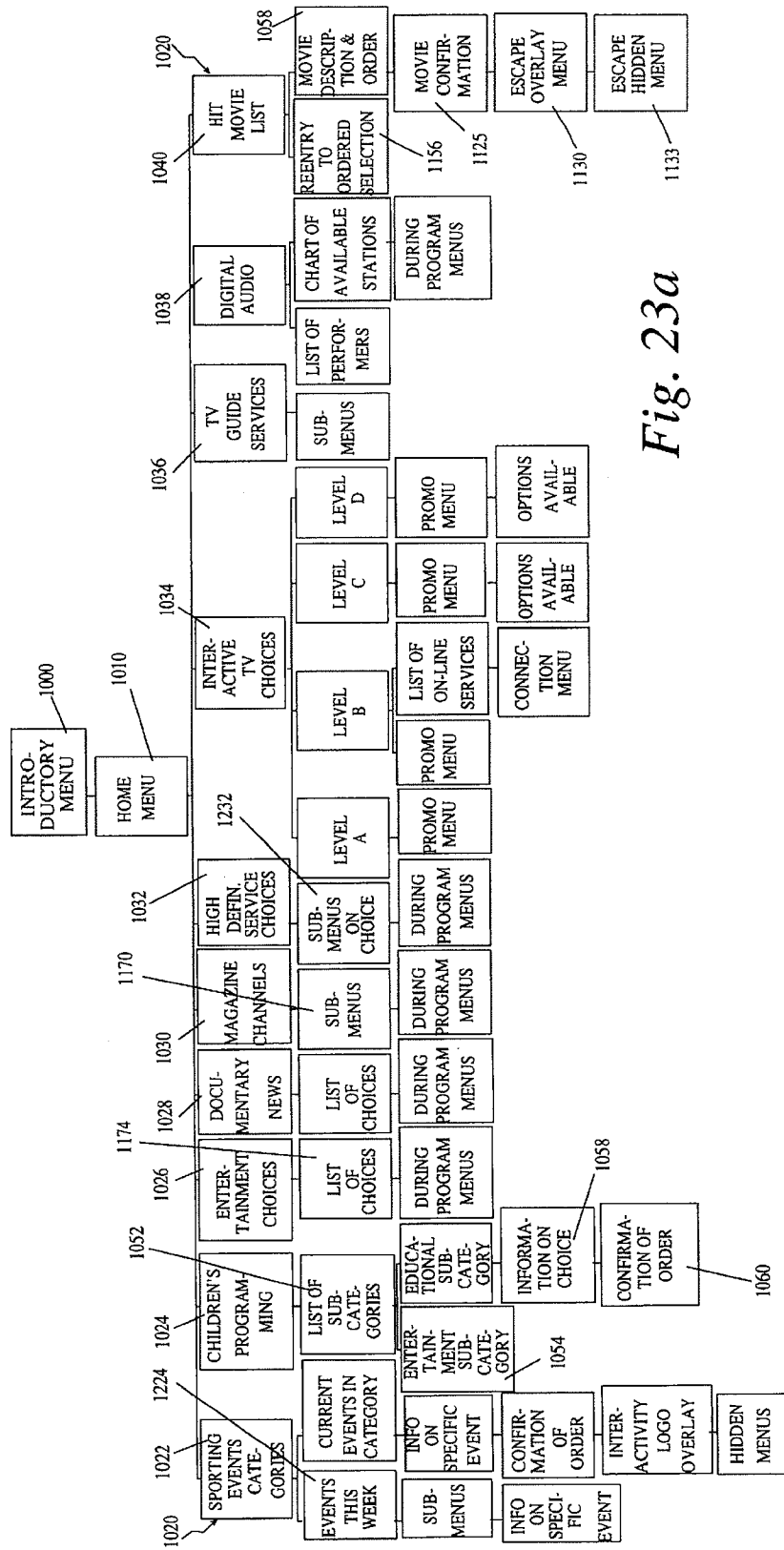


Fig. 23a

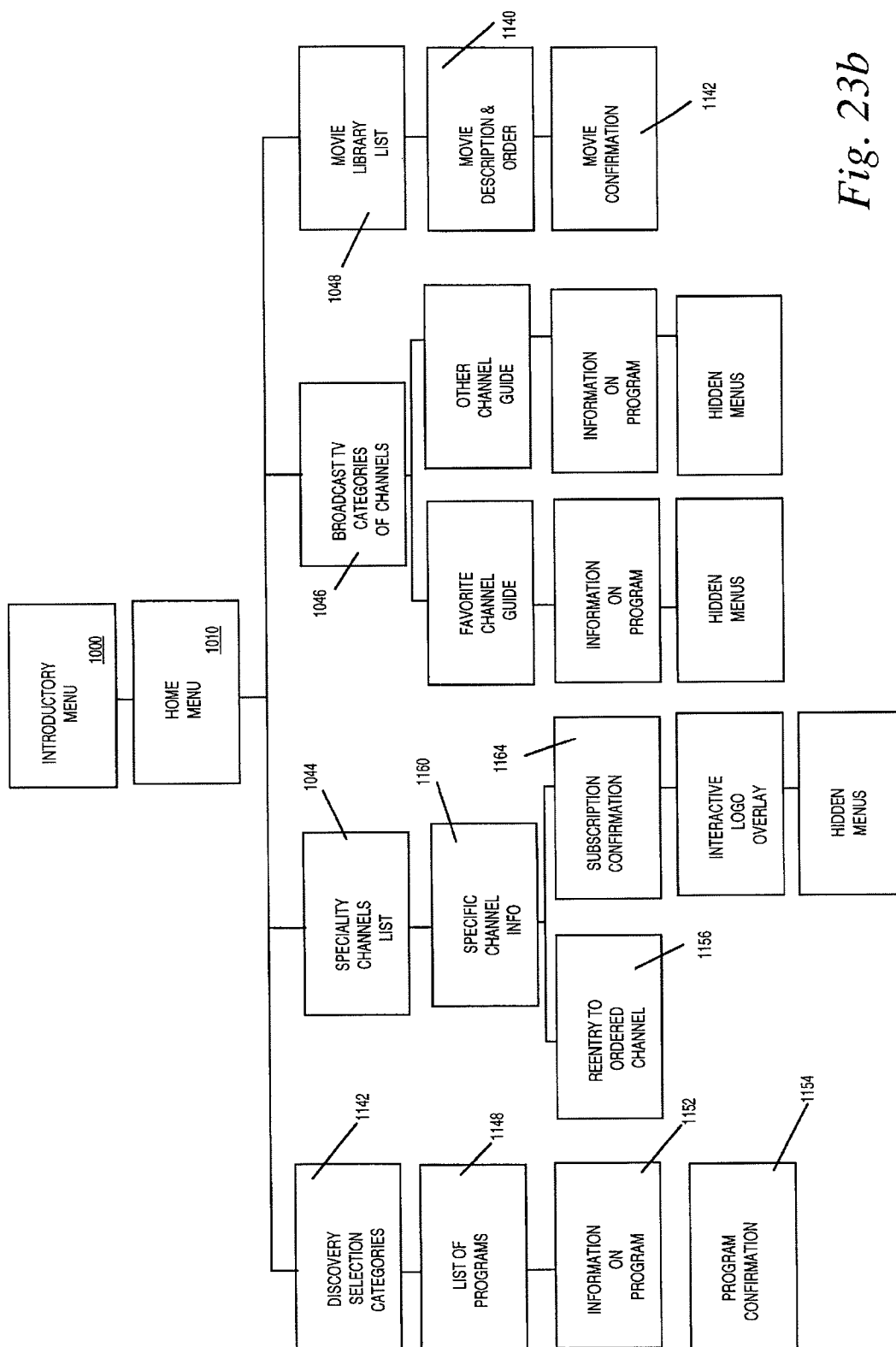
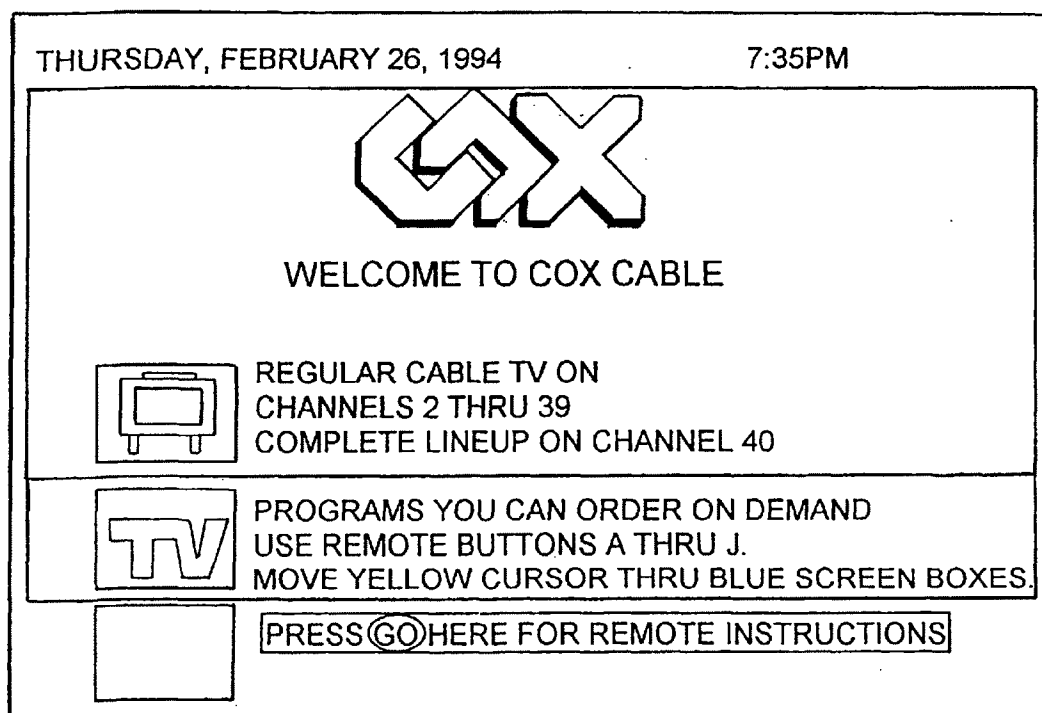


Fig. 23b

Fig. 24a

1000

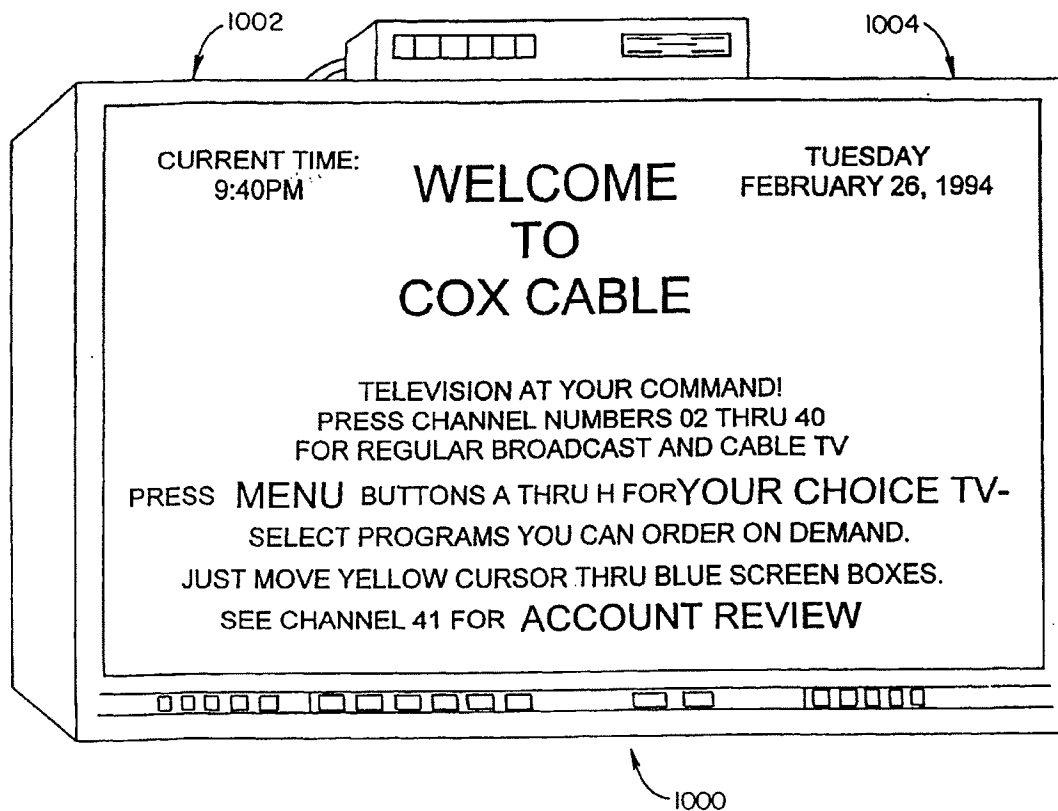



Fig. 24b

Fig. 25a

SATURDAY, DECEMBER 28, 1984				6:30PM						
?	BASIC	?	BASIC PLUS	?	ECONOMY	?	ALA CARTE			
2	CBS	13	CNN		PKG.		AND			
3	NBC	14	CNN	24	VH-1		PREMIUM			
4	NBC	15	DISC	25	TLC	35	SCI-FI			
5	ABC	16	ESPN	26	AMC	36	TOON			
6	ABC	17	TBS	27	TNN	37	BRAV			
7	FOX	18	TNT	28	MEU	38	ROM			
8	PBS	19	USA	29	EI	39	ENCR			
9	WTFC	20	FAM	30	CNBC	40	DISN			
10	WKN	21	NICK	31	LIFE	41	CINE			
11	WYAB	22	MTV	32	A&E	42	TMC			
12	C-SPAN	23	TWC	33	COURT	43	SHOW			
				34	TRAV	44	HBO			
PRESS  ABOVE FOR CHANNELS PRESS  BELOW FOR MENUS										
PRESS  ON ? FOR INFO/PRICES										
A	B	C	D	E	F	G	H	I	J	K-Z

1010

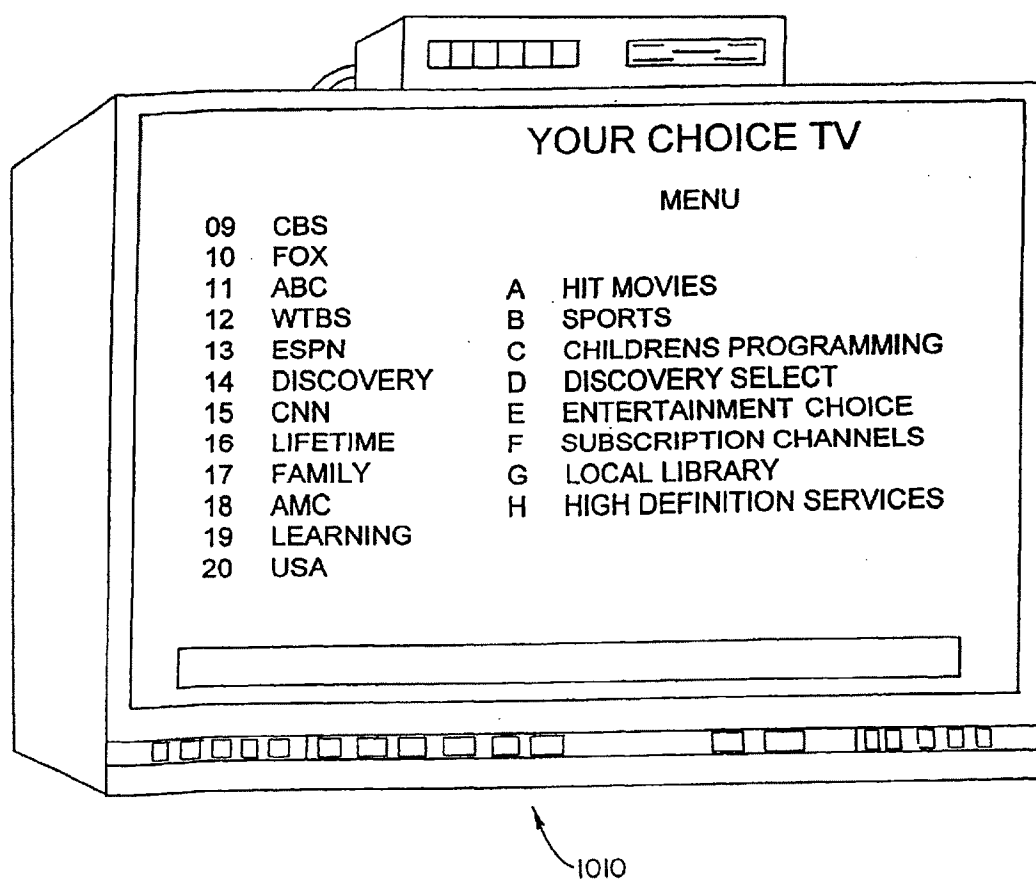
Fig. 25b

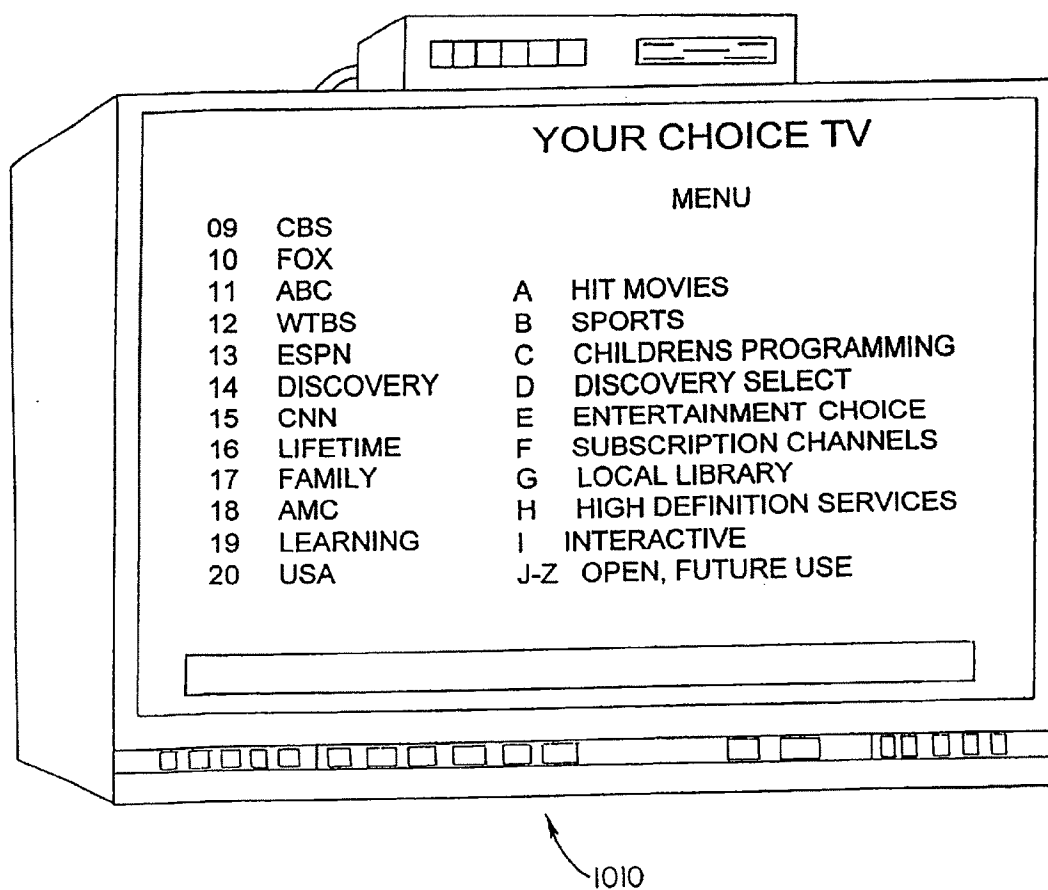
Fig. 25c

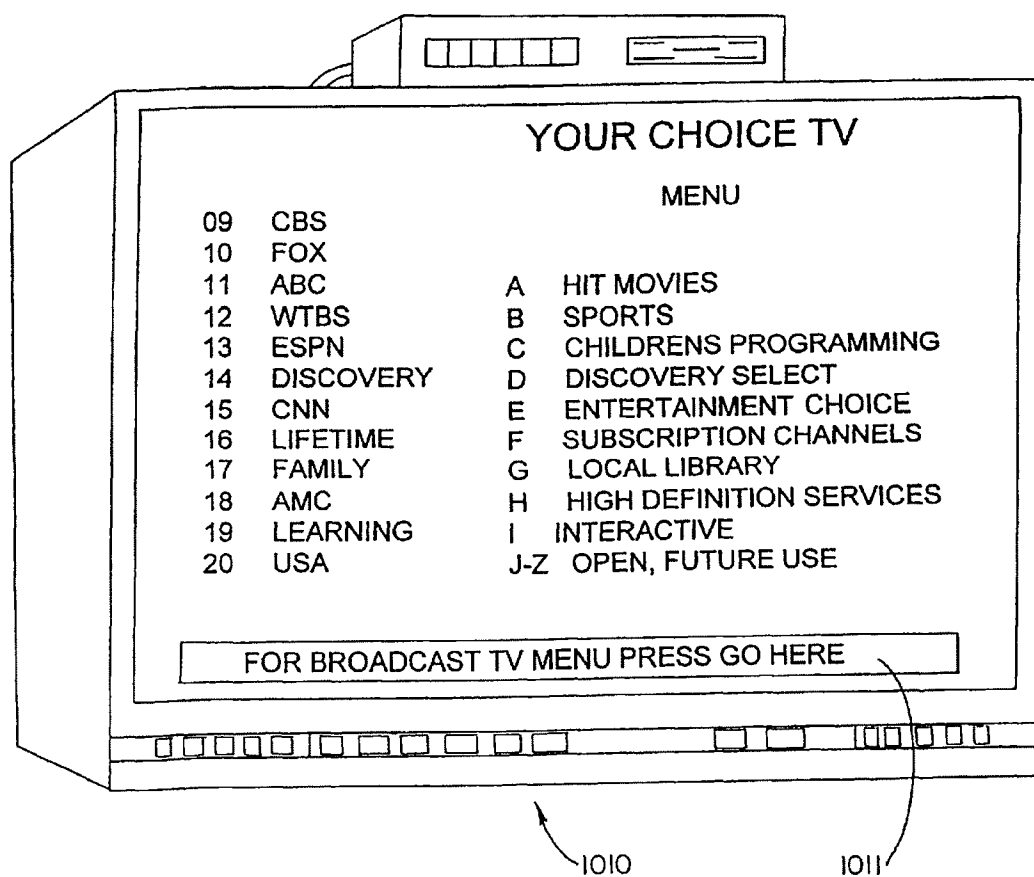
Fig. 25d

Fig. 26

THURSDAY, FEBRUARY 26, 1994			7:42PM		
	13	WJZ/ABC	27	LEARNING	
	14	HEADLINE	28	DISNEY	
	15	C-SPAN	29	HBO	
2	16	C-SPAN II	30	CINEMAX	
3	17	WWOR	31	SHOWTIME	
4	18	ESPN	32	LOCAL GOVT.	
5	19	NICKELODEON	33	A&E	
6	20	WDCA/IND.	34	HTS	
7	21	FAMILY	35	WERU/IND.	
8	22	WMPT/PBS	36	WTBS	
9	23	LIFETIME	37	NASHVILLE	
10	24	INTERFAITH	38	VH-1	
11	25	BET	39	MTV	
12	26	WETA/PBS	40	CHANNEL LINEUP	
MOVE YELLOW CURSOR TO SELECT CHANNELS AND PRESS GO					

1010

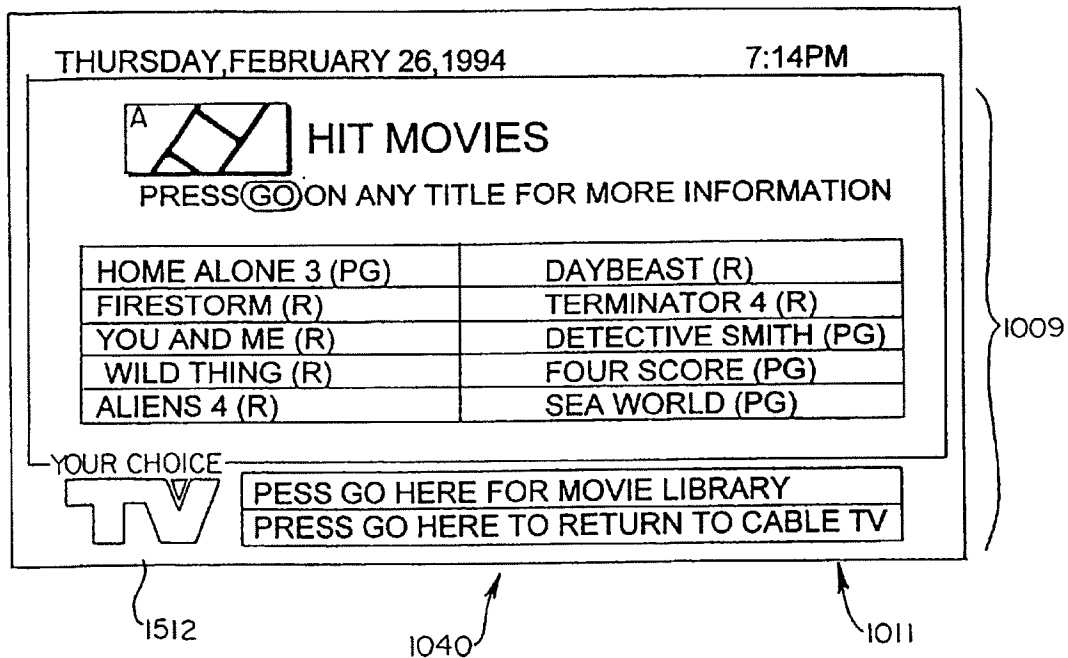
Fig. 27a

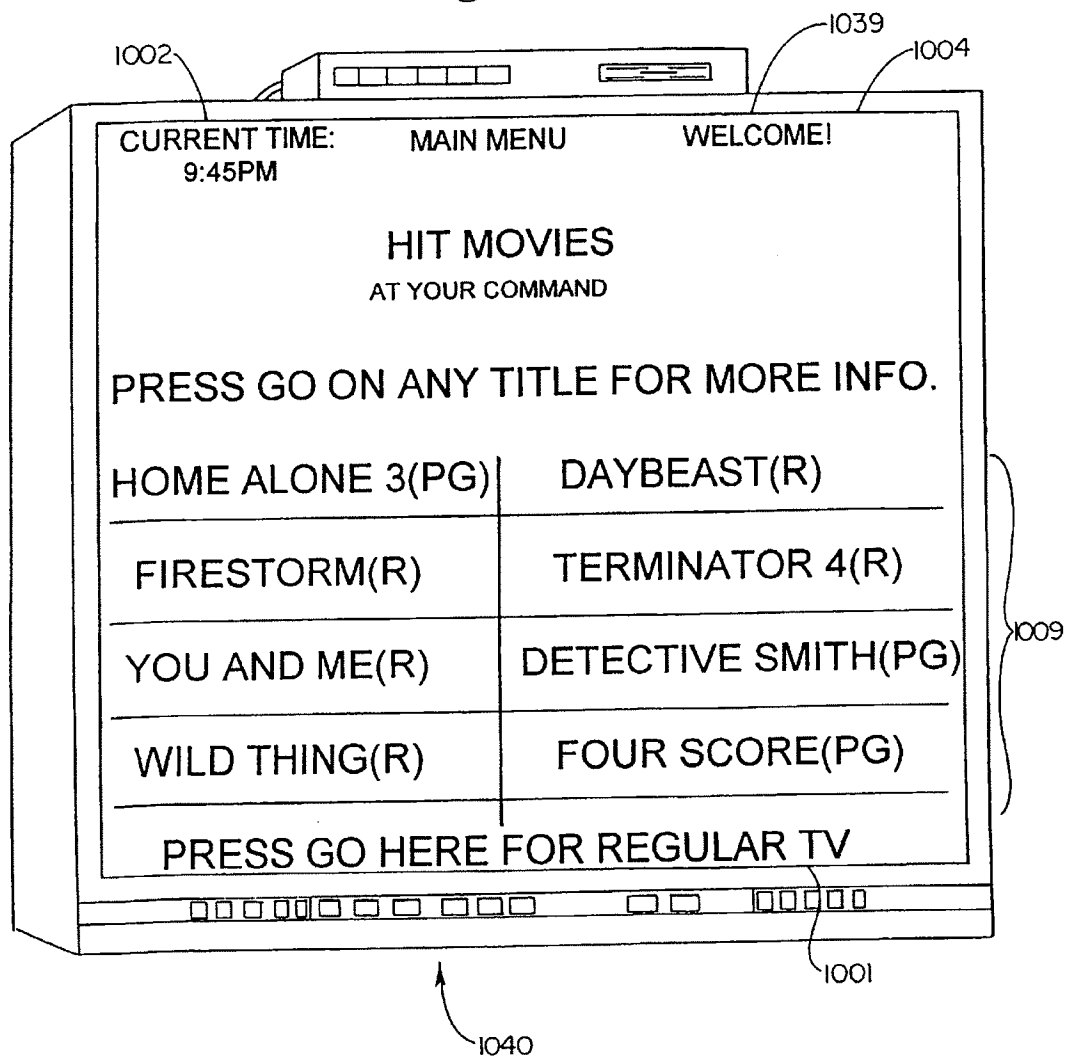

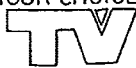


Fig. 27b

Fig. 27c

SATURDAY, DECEMBER 28, 1984		6:31PM	
BASIC SERVICE			
CHANNELS 2-12			
		YOU NOW JUST PAY \$14 PER MONTH FOR BASIC SERVICE.	
HIGHLIGHTS THIS MONTH OTHER SERVICES:			
YOUR CHOICE 	PRESS GO HERE FOR INFO ON BASIC PLUS		
	PRESS GO HERE FOR INFO ON ECONOMY PACKAGE		
	PRESS GO HERE FOR INFO ON PREMIUM A LA CARTE		
	PRESS GO HERE FOR CHANNELS AND MENUS		



1420

Fig. 27d

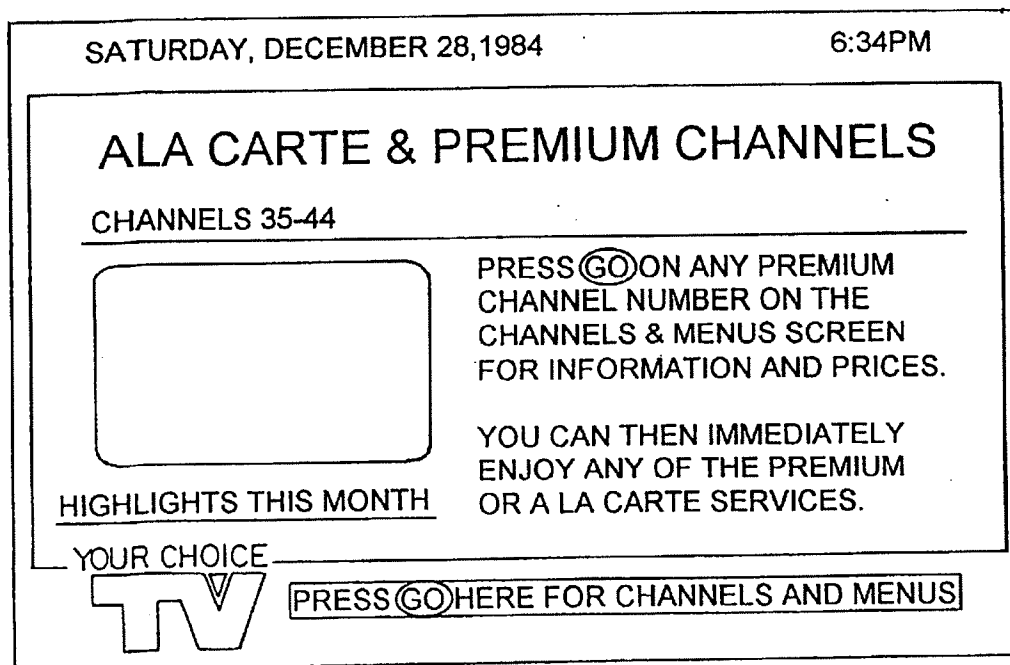
SATURDAY, DECEMBER 28, 1984		6:32PM	
BASIC PLUS			
CHANNELS 13-23			
		CHANNELS 13-23 ARE THE NATION'S MOST WIDELY DISTRIBUTED CABLE SERVICES AND ARE AVAILABLE TO YOU FOR ONLY \$8.00 PER MONTH.	
HIGHLIGHTS THIS MONTH			
YOUR CHOICE			
		<div>PRESS GO HERE TO ORDER</div> <div>PRESS GO HERE FOR CHANNELS AND MENUS</div>	

1422

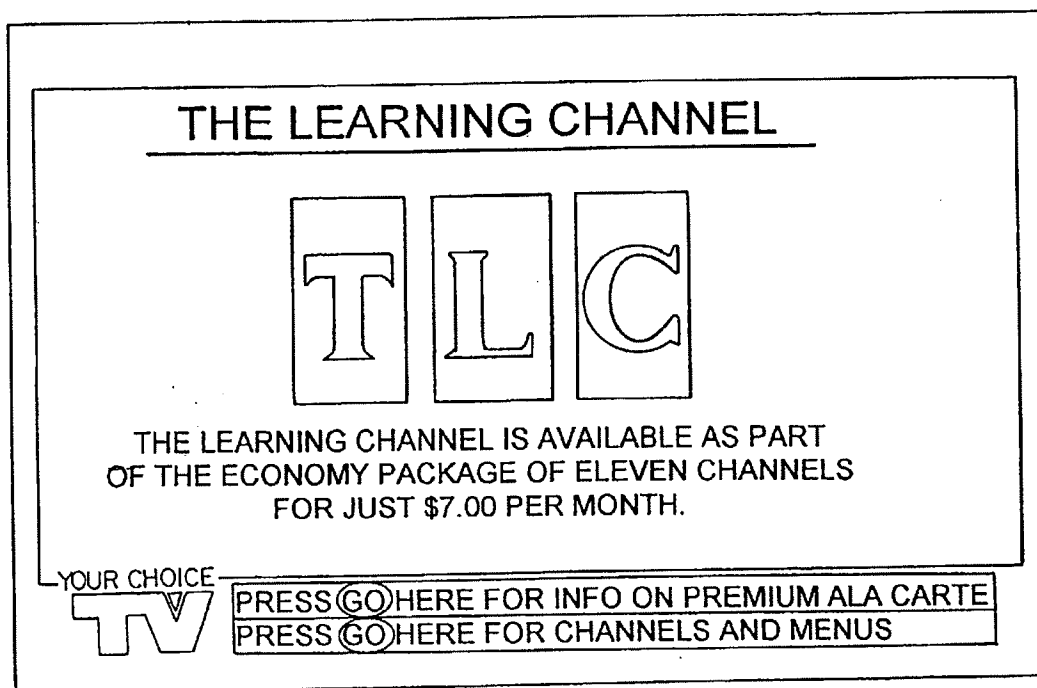
Fig. 27e

SATURDAY, DECEMBER 28, 1984		6:33PM		
ECONOMY PACKAGE				
<u>CHANNELS 24-34</u>				
	WHEN YOU ORDER YOU CAN IMMEDIATELY ENJOY CHANNELS 24-34. THESE POPULAR SATELLITE CHANNELS WILL EXTEND YOUR VIEWING CHOICE.			
<u>HIGHLIGHTS THIS MONTH</u>	AVAILABLE TO YOU FOR ONLY \$7.00 PER MONTH.			
YOUR CHOICE				
	<table border="1"><tr><td>PRESS GO HERE TO ORDER</td></tr><tr><td>PRESS GO HERE FOR CHANNELS AND MENUS</td></tr></table>		PRESS GO HERE TO ORDER	PRESS GO HERE FOR CHANNELS AND MENUS
PRESS GO HERE TO ORDER				
PRESS GO HERE FOR CHANNELS AND MENUS				

1424

Fig. 27f

1426

Fig. 27g

1428

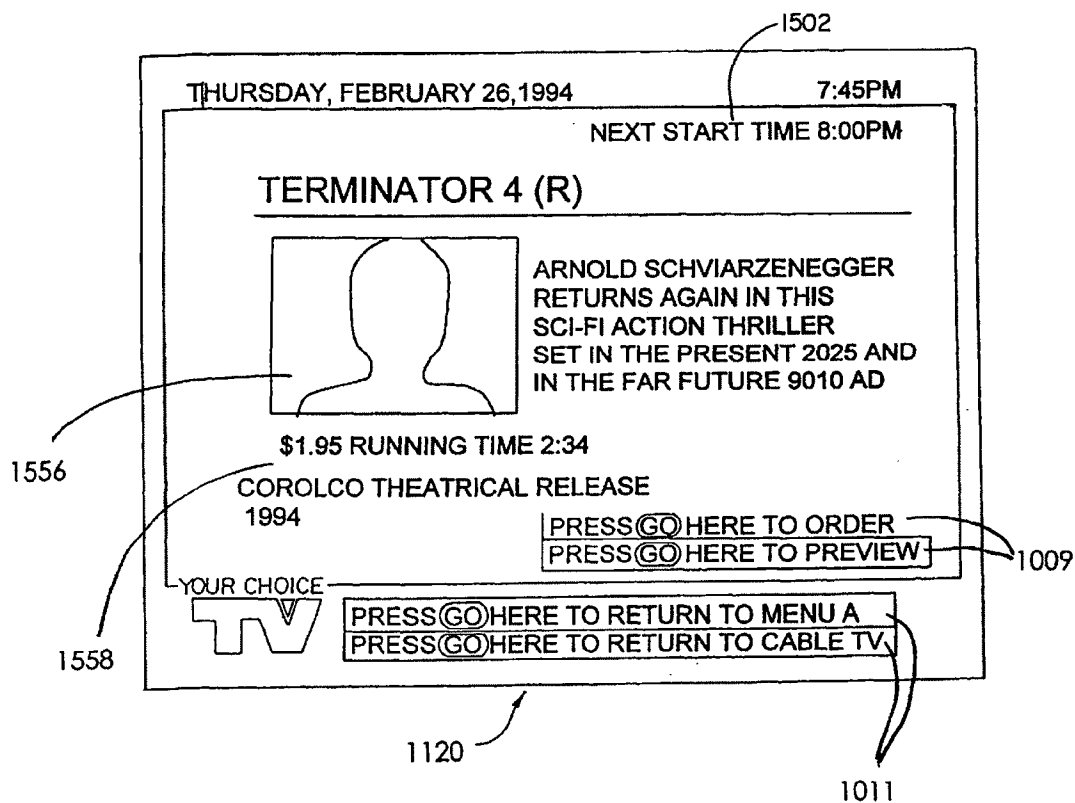
Fig. 28a

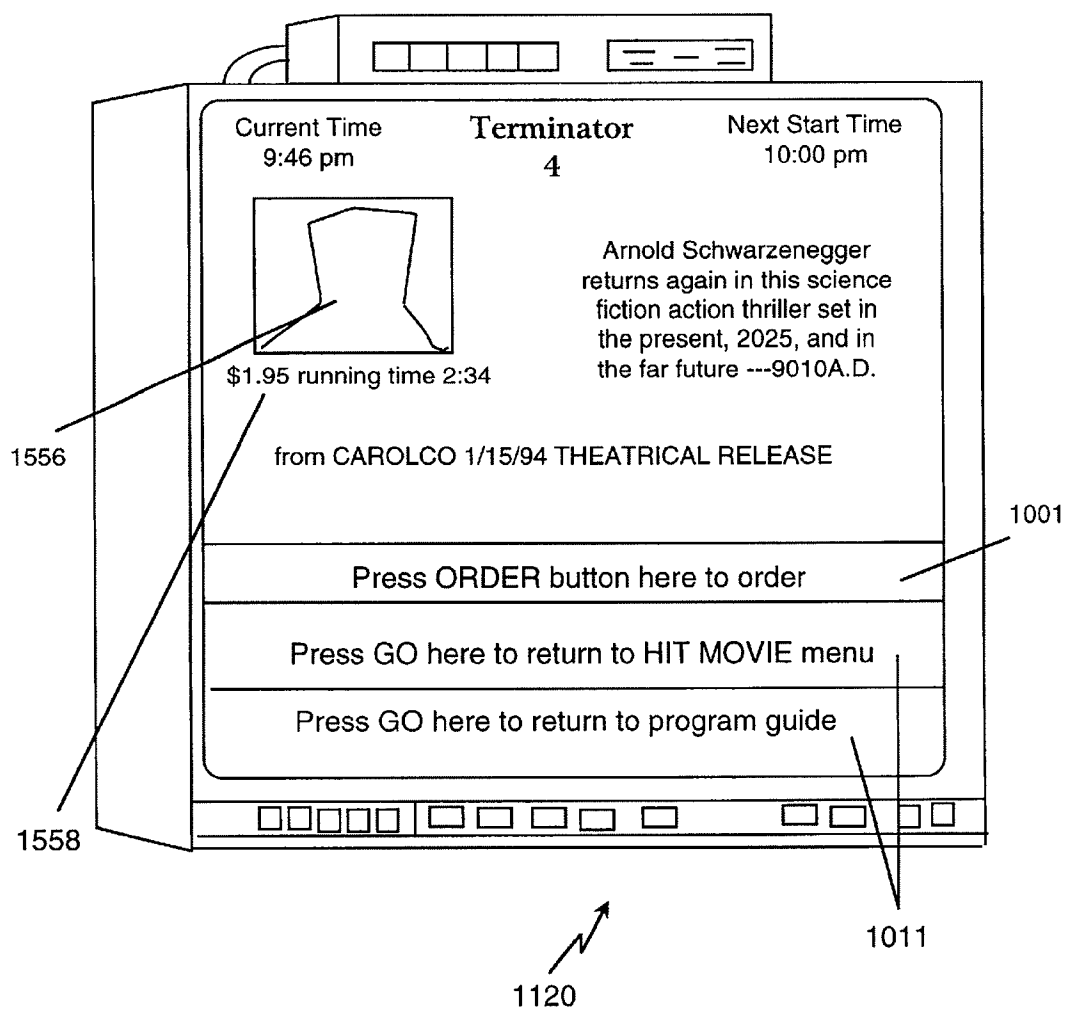
Fig. 28b

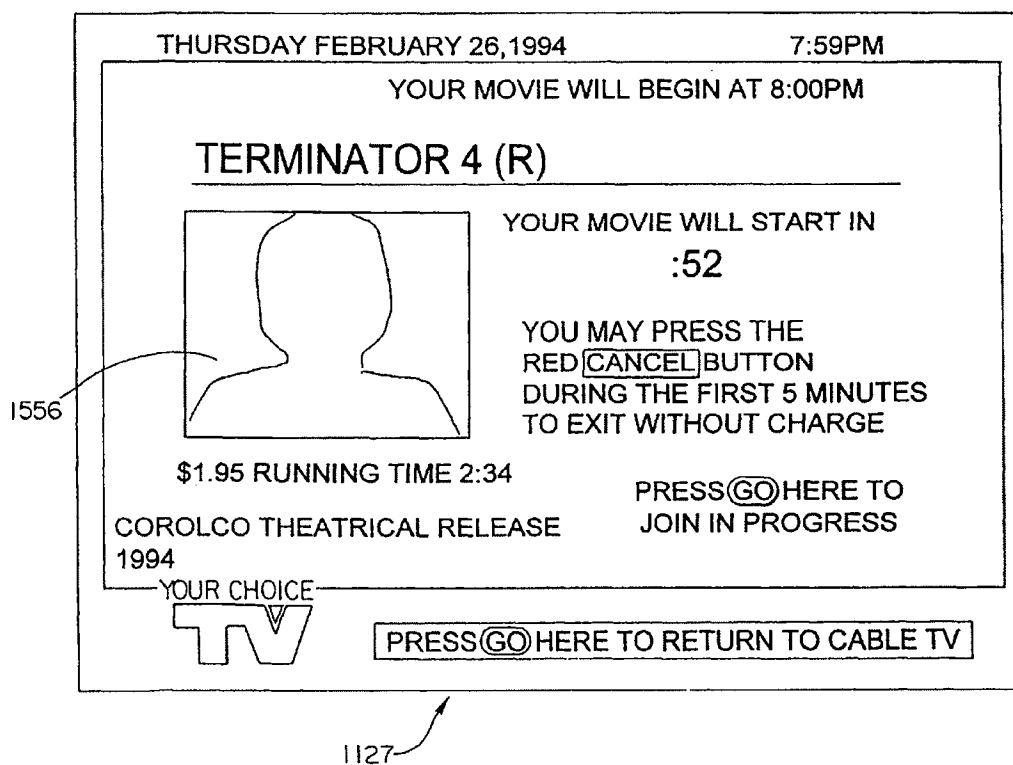
Fig. 29a

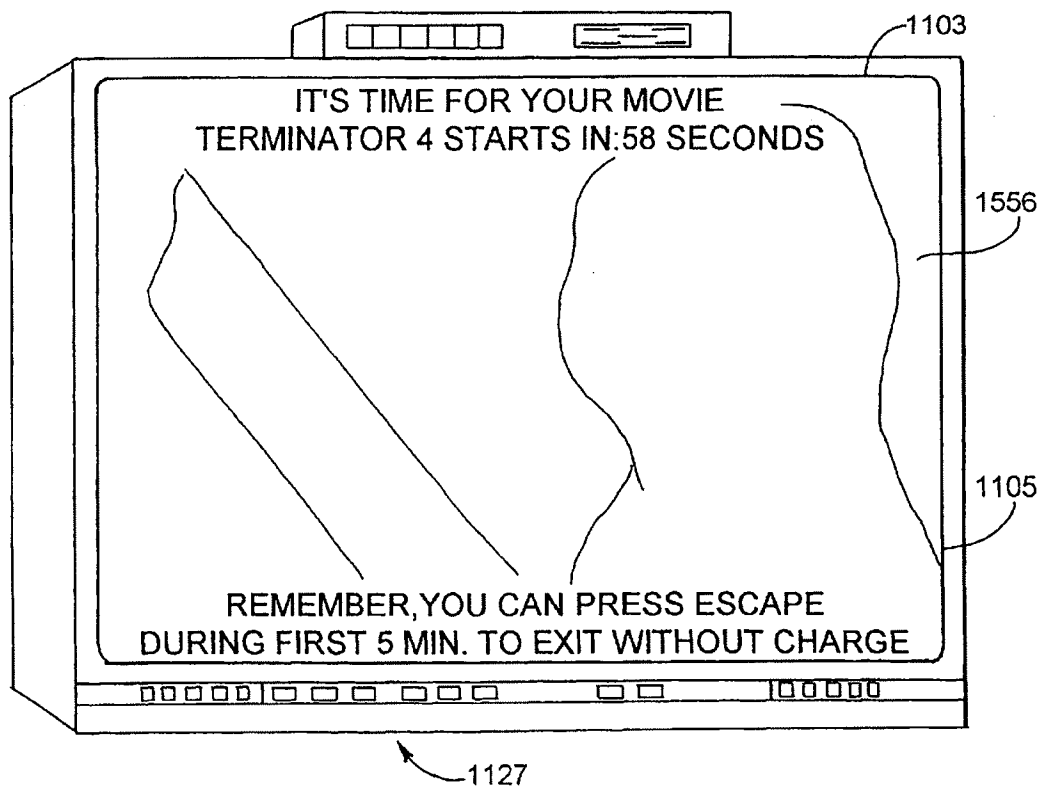
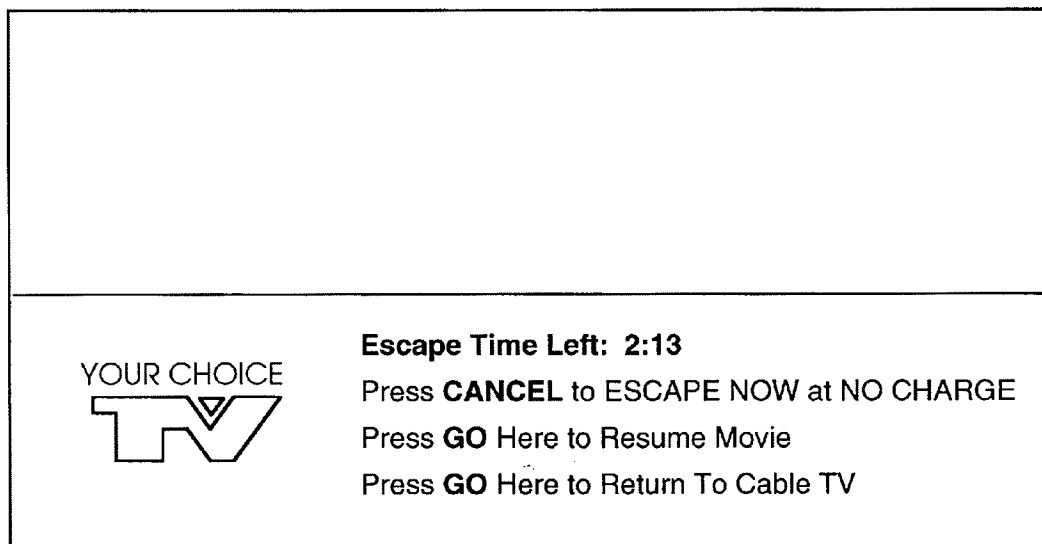
Fig. 29b

Fig. 30a

1130

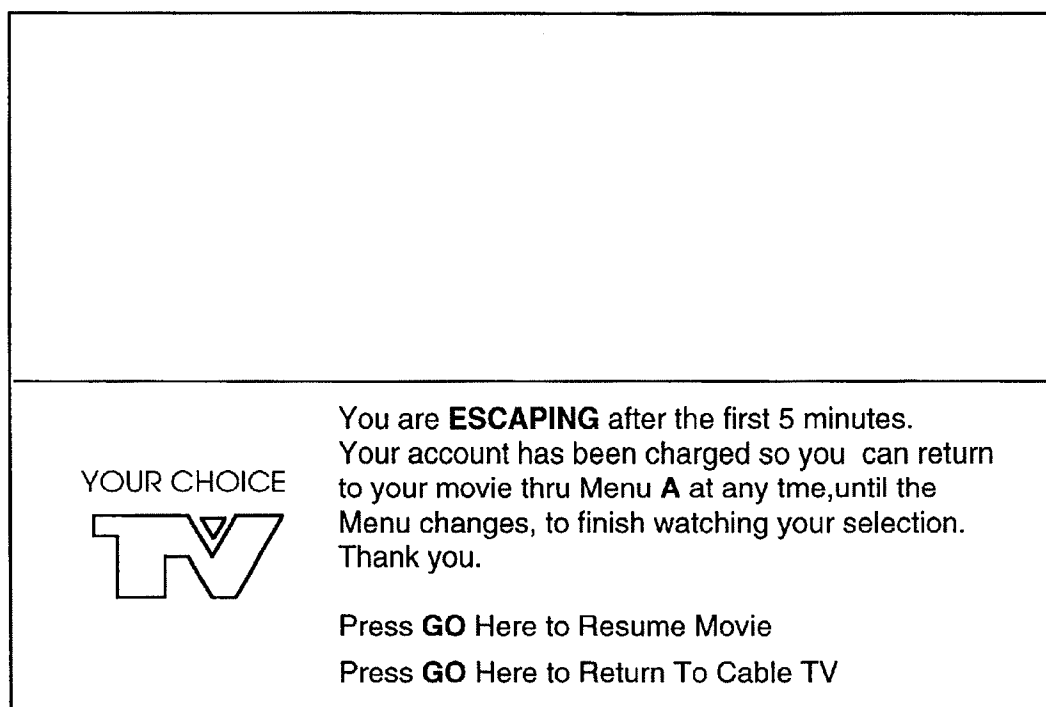

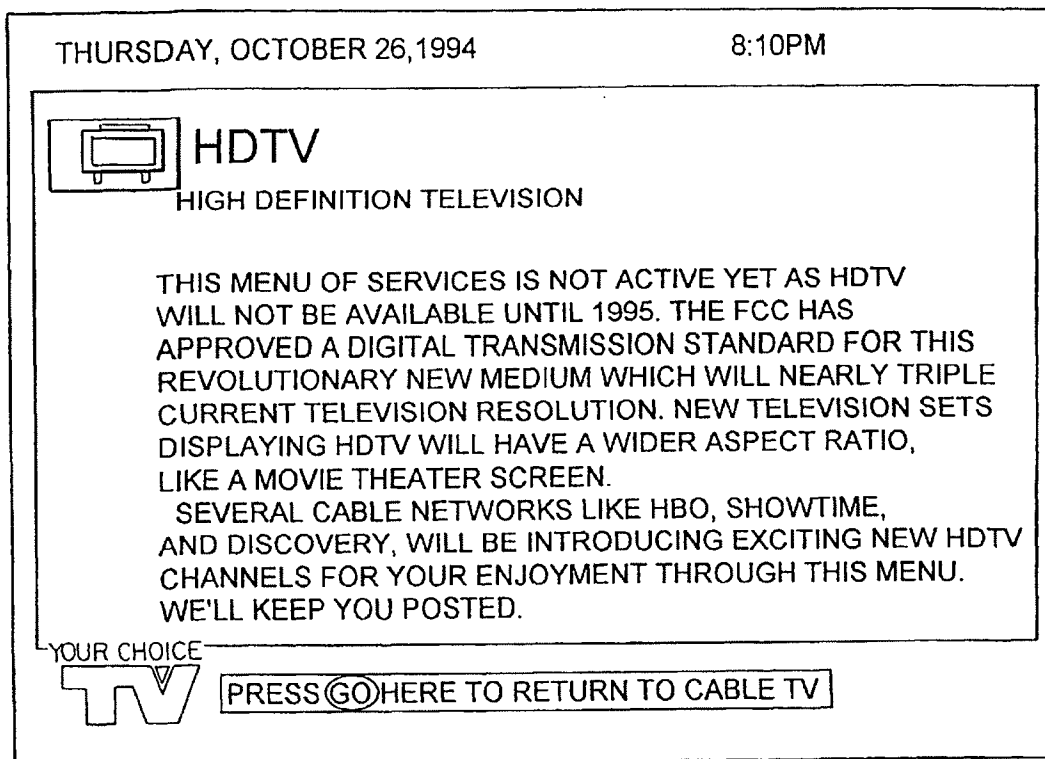
Fig. 30b

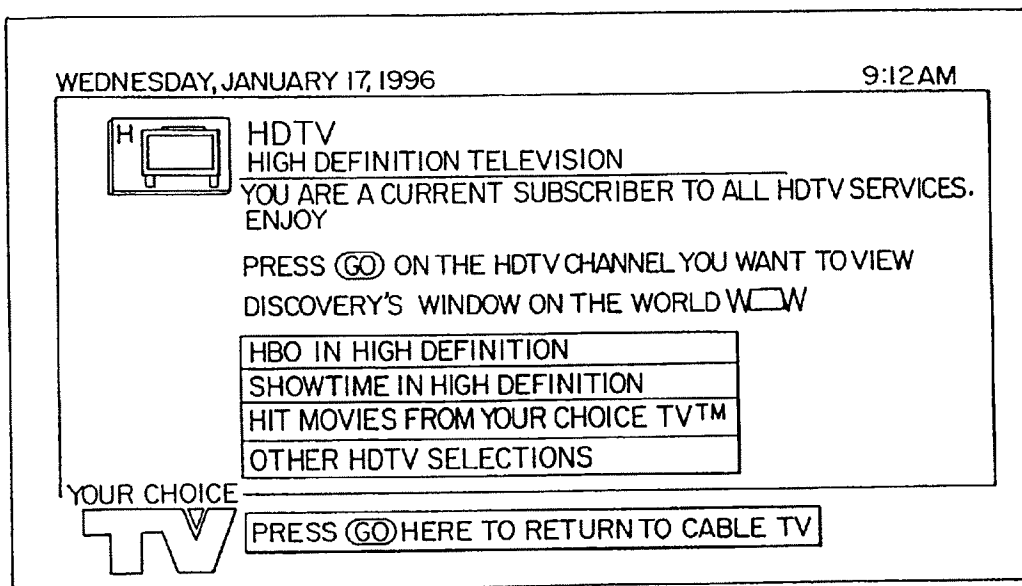
Fig. 30c

THURSDAY FEBRUARY 26, 1994					7:59PM																															
<h2 style="margin: 0;">TERMINATOR 4 (R)</h2> <hr/> <p style="margin: 10px 0;">YOUR ACCOUNT HAS ALREADY BEEN CHARGED FOR THIS SELECTION SO PLEASE ENJOY UNTIL THE MENU CHANGES ON 03/01/94. YOU CAN JOIN THE SELECTION IN PROGRESS AT ANY OF THE FOLLOWING TIMES.</p> <p style="margin: 10px 0;">JUST PRESS GO</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"><tr><td style="padding: 2px;">NEXT</td><td style="padding: 2px;">1-15</td><td style="padding: 2px;">16-30</td><td style="padding: 2px;">31-45</td><td style="padding: 2px;">46-60</td><td style="padding: 2px;">61-75</td><td style="padding: 2px;">76-90</td><td style="padding: 2px;">91-105</td><td style="padding: 2px;">106</td></tr><tr><td style="padding: 2px;">START</td><td style="padding: 2px;">MIN</td><td style="padding: 2px;">MIN</td><td style="padding: 2px;">MIN</td><td style="padding: 2px;">MIN</td><td style="padding: 2px;">MIN</td><td style="padding: 2px;">MIN</td><td style="padding: 2px;">MIN</td><td style="padding: 2px;">MIN</td></tr><tr><td style="padding: 2px;">TIME</td><td style="padding: 2px;">IN</td><td style="padding: 2px;">IN</td><td style="padding: 2px;">IN</td><td style="padding: 2px;">IN</td><td style="padding: 2px;">IN</td><td style="padding: 2px;">IN</td><td style="padding: 2px;">IN</td><td style="padding: 2px;">END</td></tr></table>										NEXT	1-15	16-30	31-45	46-60	61-75	76-90	91-105	106	START	MIN	MIN	MIN	MIN	MIN	MIN	MIN	MIN	TIME	IN	IN	IN	IN	IN	IN	IN	END
NEXT	1-15	16-30	31-45	46-60	61-75	76-90	91-105	106																												
START	MIN	MIN	MIN	MIN	MIN	MIN	MIN	MIN																												
TIME	IN	IN	IN	IN	IN	IN	IN	END																												
<div style="display: flex; justify-content: space-between; align-items: center;"><div style="text-align: center;"><p style="margin: 0; font-size: small;">YOUR CHOICE</p></div><div style="border: 1px solid black; padding: 5px; text-align: center; width: 60%;">PRESS GO HERE TO RETURN TO CABLE TV</div></div>																																				

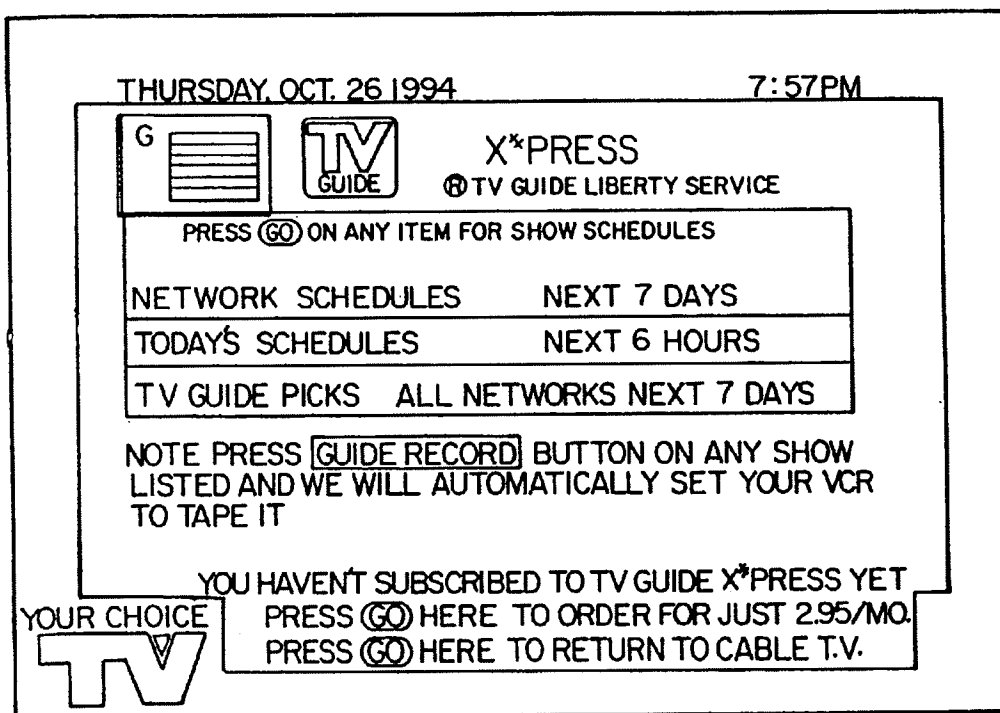
1135

Fig. 31a

1032

Fig. 31b


1232

Fig. 32a

1036

Fig. 32b

Thursday, October 26, 1994 7:59 PM




X*PRESS
NETWORK
SCHEDULES
Next 7 Days

Press **GO** on Any Network for Schedule Info

13	WJZ/ABC	27	LEARNING
14	HEADLINE	28	DISNEY
15	C-SPAN	29	HBO
16	C-SPAN II	30	CINEMAX
17	WWOR	31	SHOWTIME
18	ESPN	32	LOCL GOVT.
19	NICKELODEON	33	A & E
20	WDCA/IND	34	HITS
21	FAMILY	35	WERU/IND.
22	WMP/PBS	36	WTBS
23	LIFETIME	37	NASHVILLE
24	INTERFAITH	38	VH-1
25	BET	39	MTV
26	WETA/PBS		

YOUR CHOICE



Press **GO** Here to Return to Menu G

Press **GO** Here to Return to Cable TV



Fig. 32c

Thursday, October 26, 1994		7:59 PM	
<div><div>HBO</div><div><div>TV</div><div>Guide</div></div><div>X*PRESS</div></div>			
PROGRAMMING SCHEDULES Next 7 Days			
Press GO on Any Network for Schedule Info			
TODAY		October 26, 1994	
FRIDAY		October 27, 1994	
SATURDAY		October 28, 1994	
SUNDAY		October 29, 1994	
MONDAY		October 30, 1994	
TUESDAY		October 31, 1994	
WEDNESDAY		November 1, 1994	
YOUR CHOICE		Press GO Here for NETWORK SCHEDULES	
<div>TV</div>		Press GO Here to Return to Menu G - GUIDE	
		Press GO Here to Return to Cable TV	

Fig. 32d





Thursday, October 26, 1994		7:59 PM	
PROGRAMMING SCHEDULES Next 7 Days			
		X*PRESS	
Press GO On The Show You Want To Review			
Press GUIDE RECORD on Any Show to Automatically Set Your VCR to Tape			
Press GO on Arrow Bars to Move Schedule		8:00 pm	Making of Terminator 4
		8:30 pm	Dream On
		9:00 pm	Great Fights of the 1980's
		9:30 pm	Robin Williams of The Comedy Shop
		10:00 pm	Patriot Games (R)
		12 Mid	Passenger 57 (R)
		2:00 am	JFK (R)
		4:00 am	Home Alone II (G)
YOUR CHOICE		Press GO Here for HBO 7-day Schedule	
		Press GO Here for NETWORK SCHEDULES	
		Press GO Here to Return to Menu G - GUIDE	
		Press GO Here to Return to Cable TV	



Fig. 32e




Thursday, October 26, 1994		7:59 PM
	HBO SCHEDULE	show description
	X*PRESS	
<p>Press GUIDE RECORD on Any Show to Automatically Set Your VCR to Tape</p> <p>GREAT FIGHTS OF THE 1980's 9:00 pm 10/26/94 on HBO</p> <p>This 30 minute special takes a look at the great boxing duels of the 1980's. Compiled from HBO's sports library and features Sugar Ray Leonard, the Spinks brothers, Mike Tyson, Boom Boom Mancini and many others. Includes the 10 greatest knockout punches landed in the 80's.</p>		
YOUR CHOICE		Press GO Here to Return to Schedule Press GO Here to Return to Cable TV
		

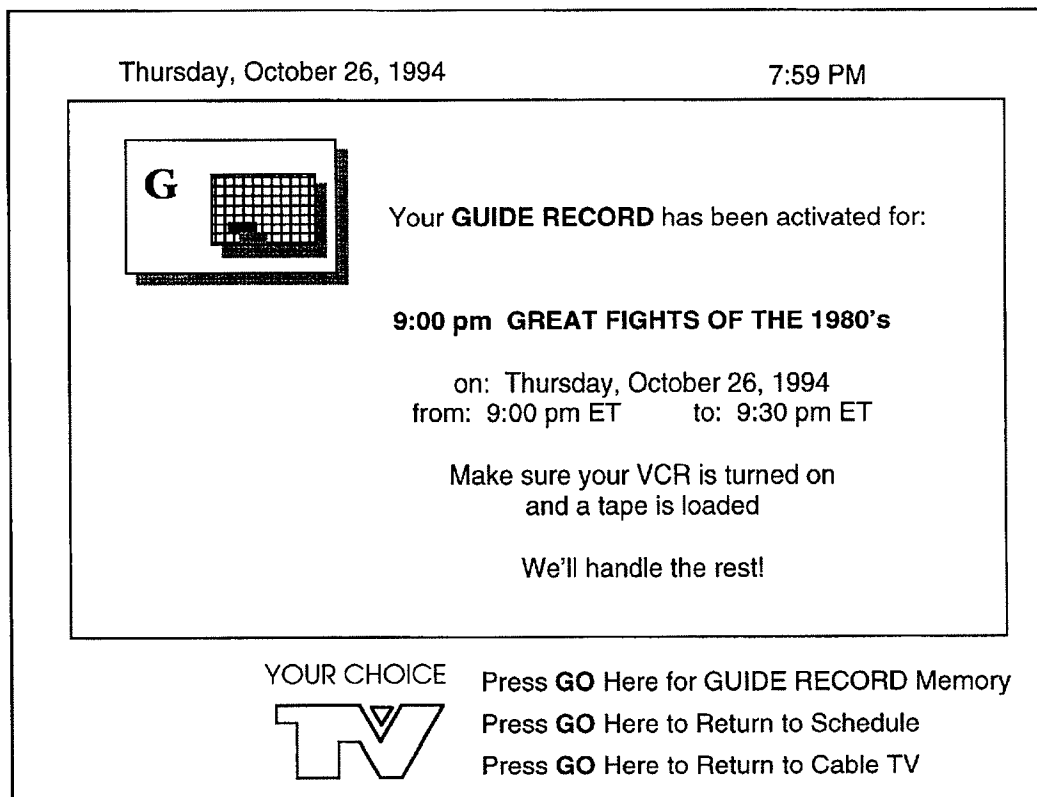
Fig. 32f

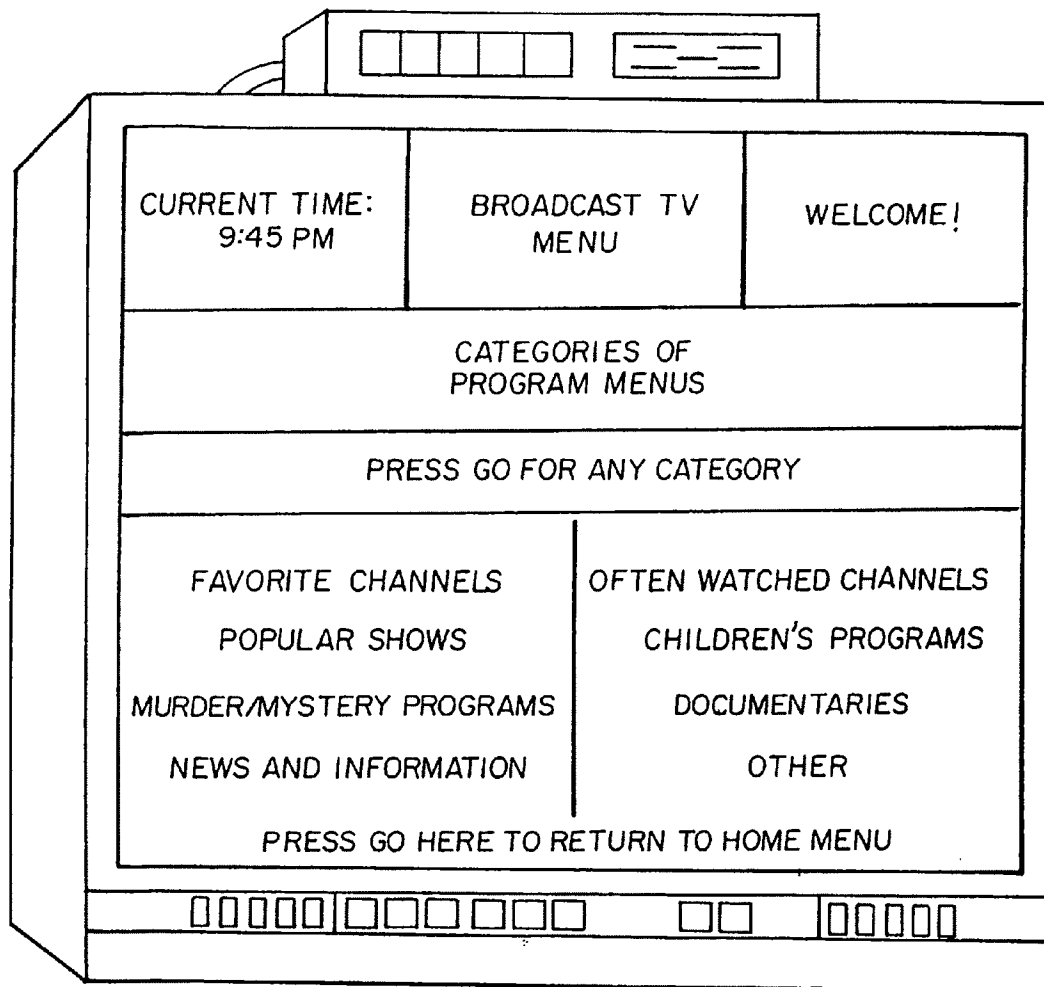
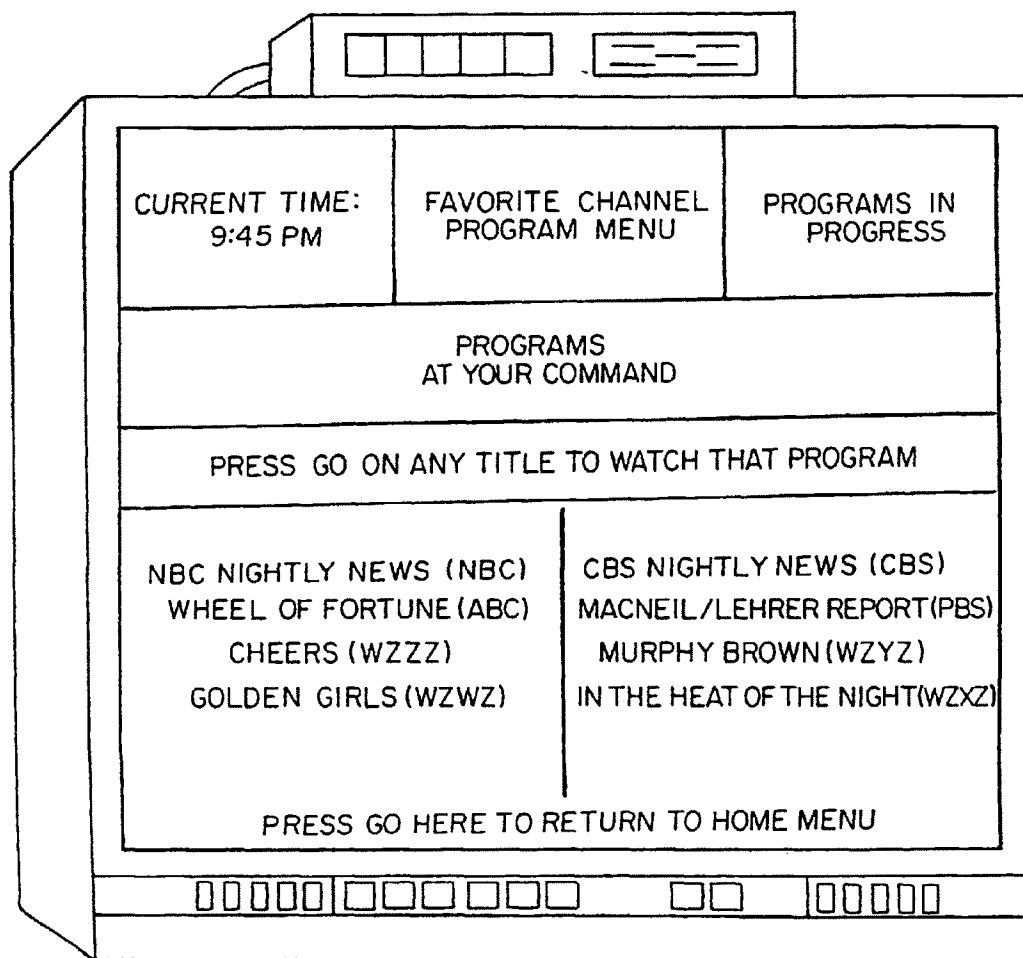
Fig. 32g

Fig. 32h

MOOD QUESTION MENUS

1260 ↗

<u>LENGTH OF PROGRAM DESIRED</u>	
SHORT	30 minutes or less
MEDIUM	30 to 60 minutes
LONG	60 minutes or more

Fig. 32i

1262 ↗

<u>TYPE OF PROGRAM DESIRED</u>
SERIOUS
THOUGHTFUL
LIGHT

Fig. 32j

1264 ↗

<u>DO YOU WISH AN ACTIVE OR PASSIVE PROGRAM?</u>
ACTIVE
PASSIVE

Fig. 32k

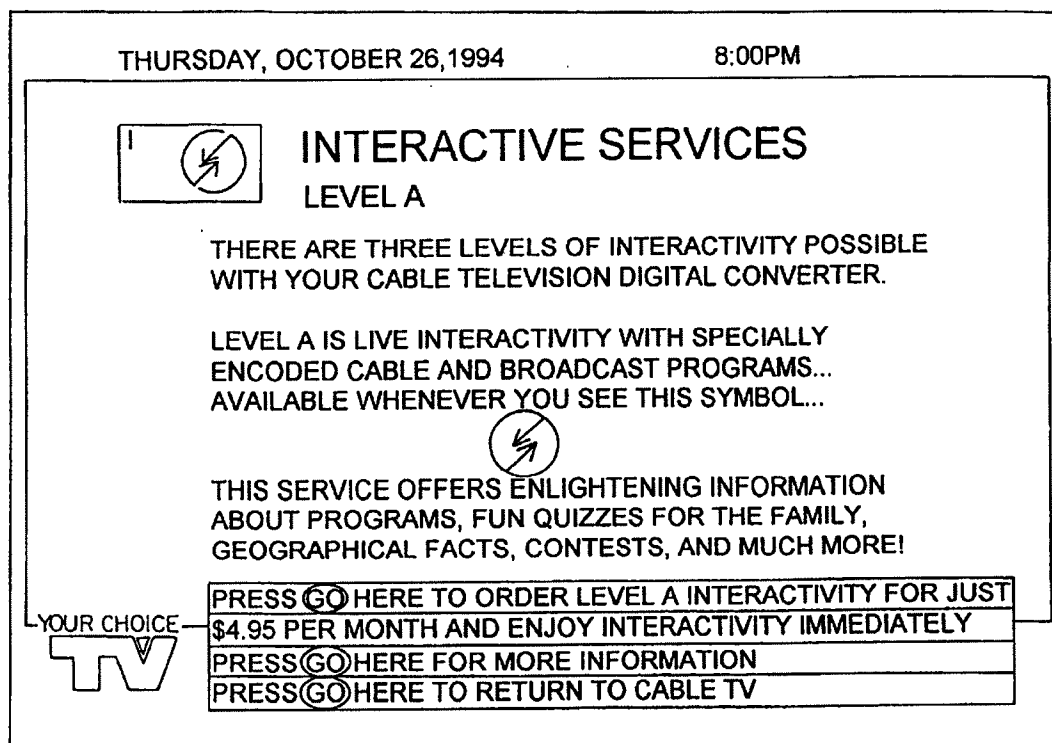
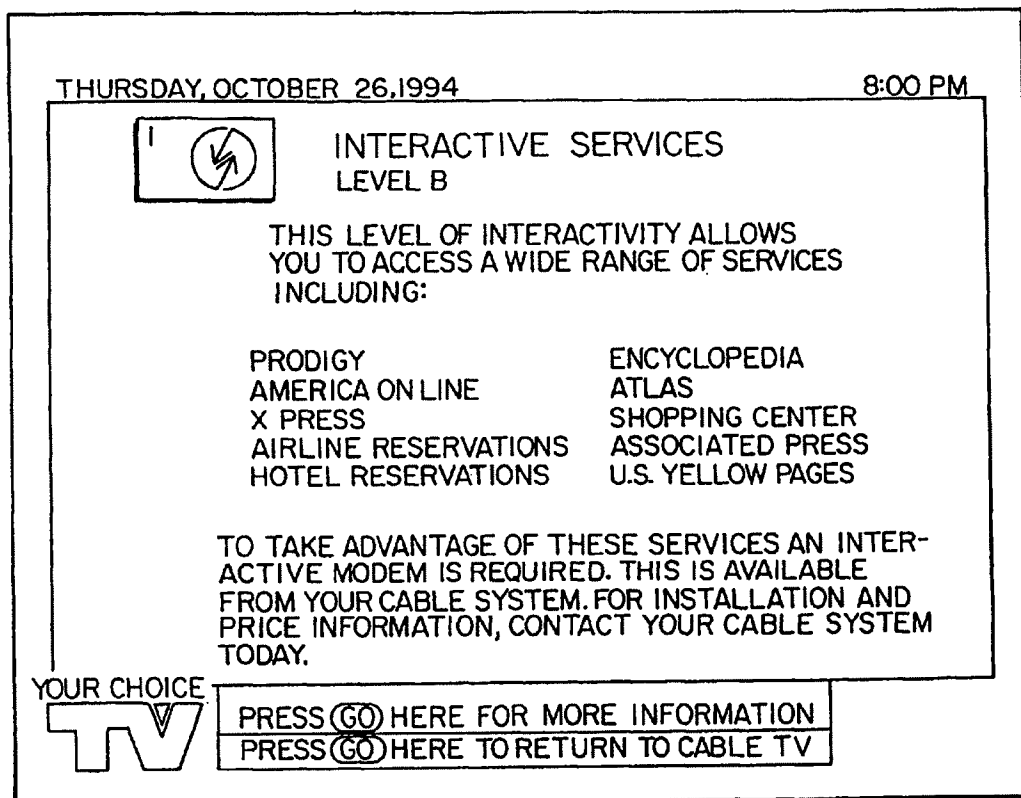







Fig. 33a

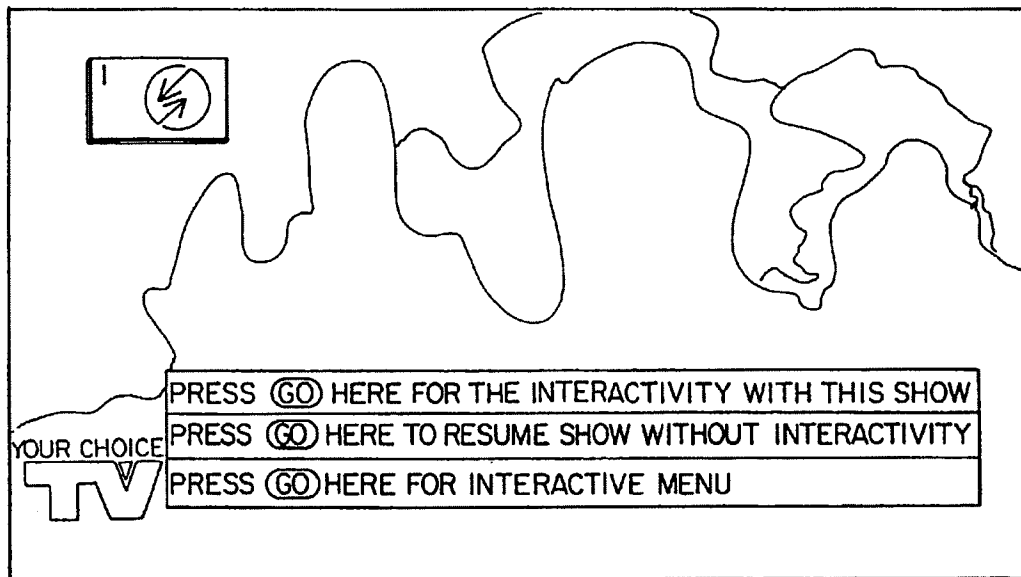
Fig. 33b

1306

Fig. 33c

THURSDAY, OCTOBER 26, 1994		8:00 PM		
1		<h2 style="margin: 0;">INTERACTIVE SERVICES</h2> <h3 style="margin: 0;">LEVEL C</h3> <p style="margin: 10px 0 0 20px;">YOUR DIGITAL CONVERTER CAN BE CONNECTED TO SPECIALLY ADAPTED CD-1 AND CD-ROM UNITS THAT OFFER AN ENORMOUS RANGE OF MULTI-MEDIA EXPERIENCES FOR YOU AND YOUR FAMILY. YOUR CABLE SYSTEM REPRESENTATIVE CAN DESCRIBE ALL THE DETAILS.</p> <p style="margin: 10px 0 0 20px;">A FREE BROCHURE IS AVAILABLE.</p> <p style="margin: 10px 0 0 20px;">PLEASE CALL TODAY FOR DETAILS.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"><tr><td style="width: 10%; text-align: center; vertical-align: middle; padding: 5px;">YOUR CHOICE</td><td style="padding: 5px;"><p style="margin: 0;">PRESS  HERE TO ORDER LEVEL A INTERACTIVITY FOR JUST \$4.95 PER MONTH AND ENJOY INTERACTIVITY IMMEDIATELY</p><p style="margin: 0;">PRESS  HERE TO RETURN TO CABLE TV</p></td></tr></table>	YOUR CHOICE	<p style="margin: 0;">PRESS  HERE TO ORDER LEVEL A INTERACTIVITY FOR JUST \$4.95 PER MONTH AND ENJOY INTERACTIVITY IMMEDIATELY</p> <p style="margin: 0;">PRESS  HERE TO RETURN TO CABLE TV</p>
YOUR CHOICE	<p style="margin: 0;">PRESS  HERE TO ORDER LEVEL A INTERACTIVITY FOR JUST \$4.95 PER MONTH AND ENJOY INTERACTIVITY IMMEDIATELY</p> <p style="margin: 0;">PRESS  HERE TO RETURN TO CABLE TV</p>			

1308

Fig. 33d

1310

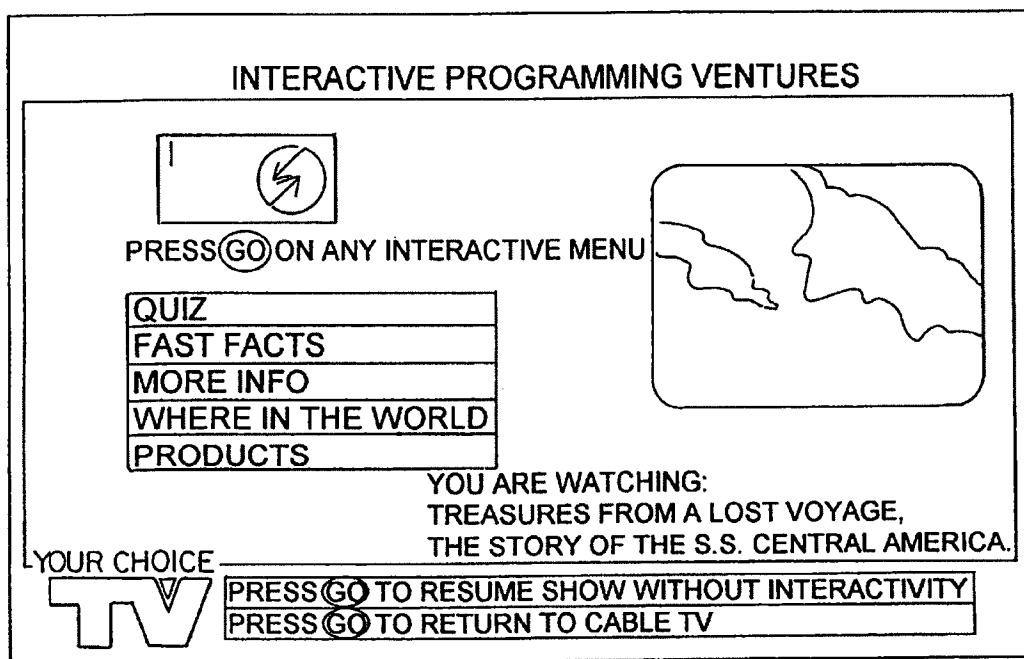
Fig. 33e

Fig. 33f

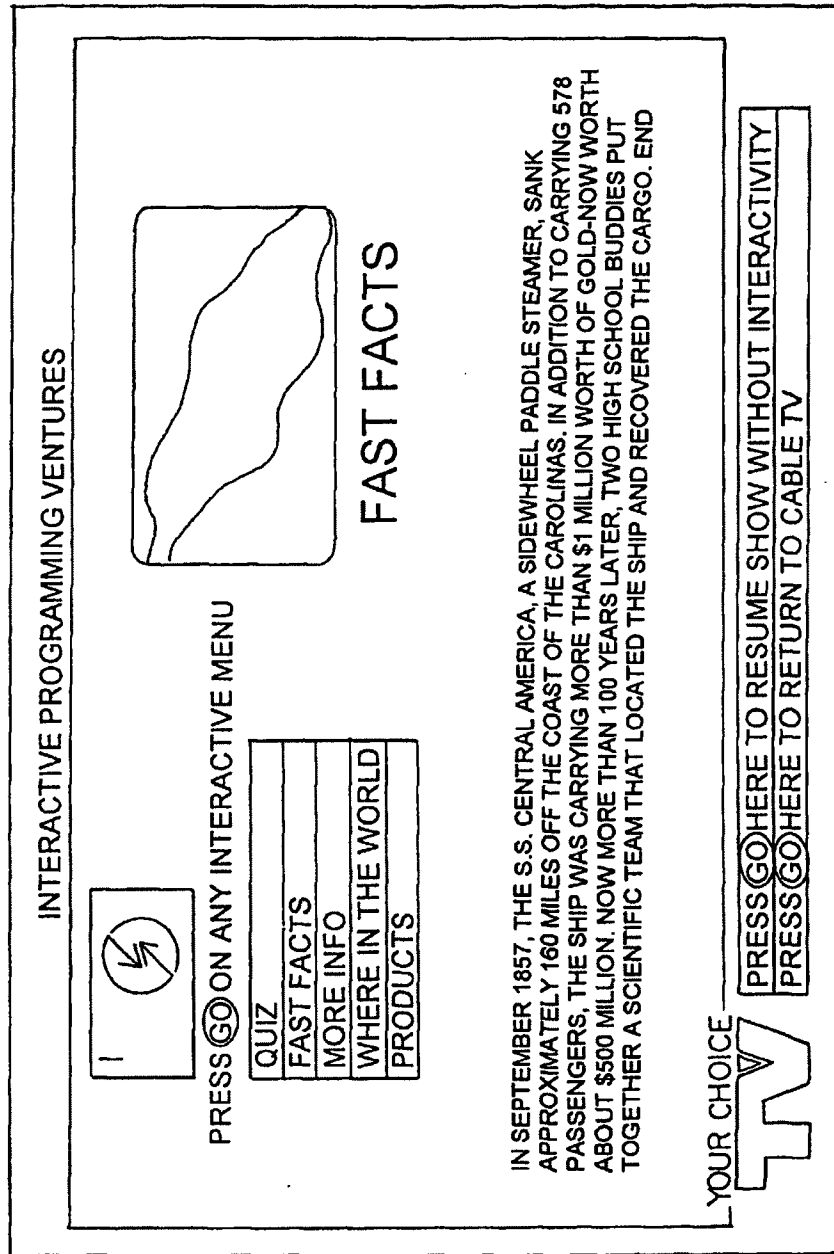
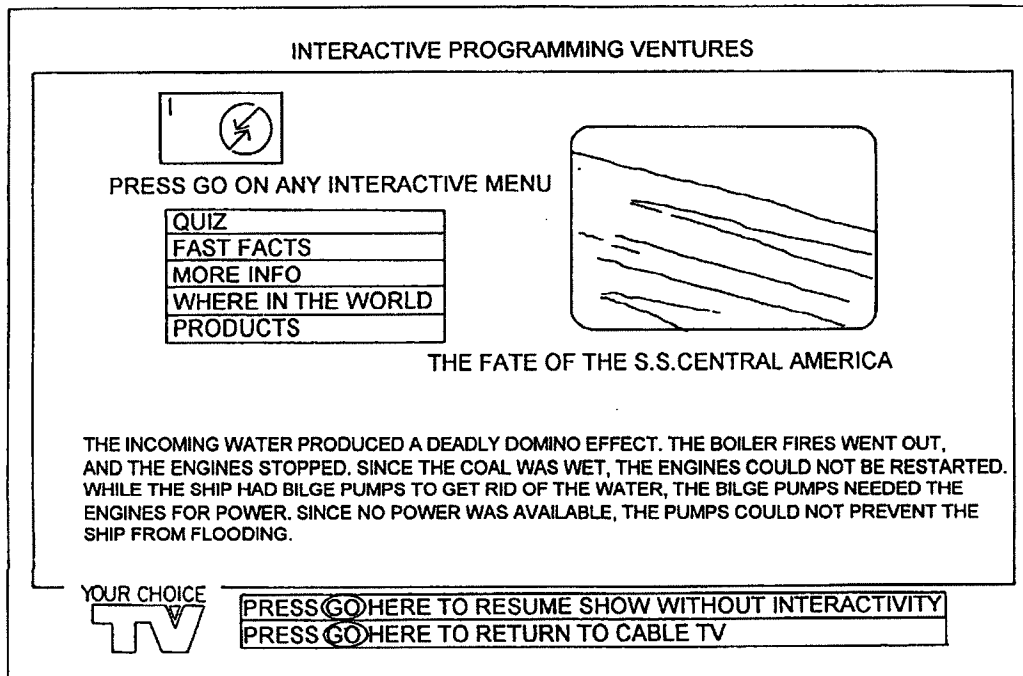


Fig. 33g

1316

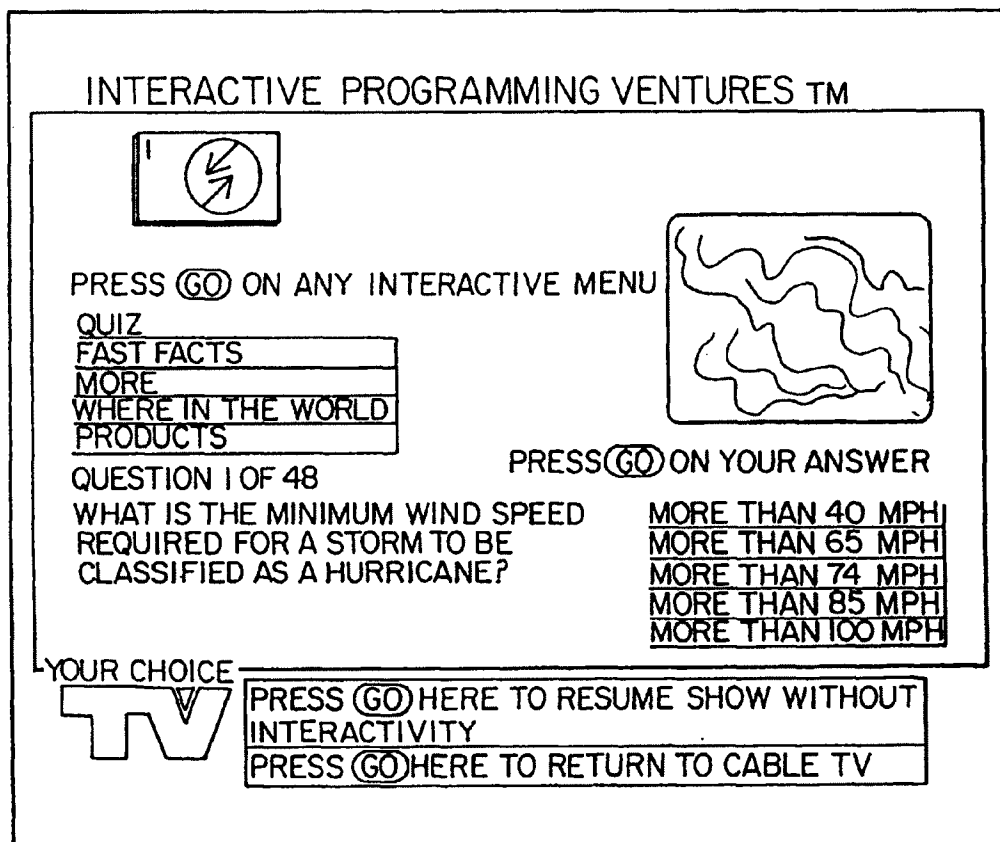
Fig. 33h

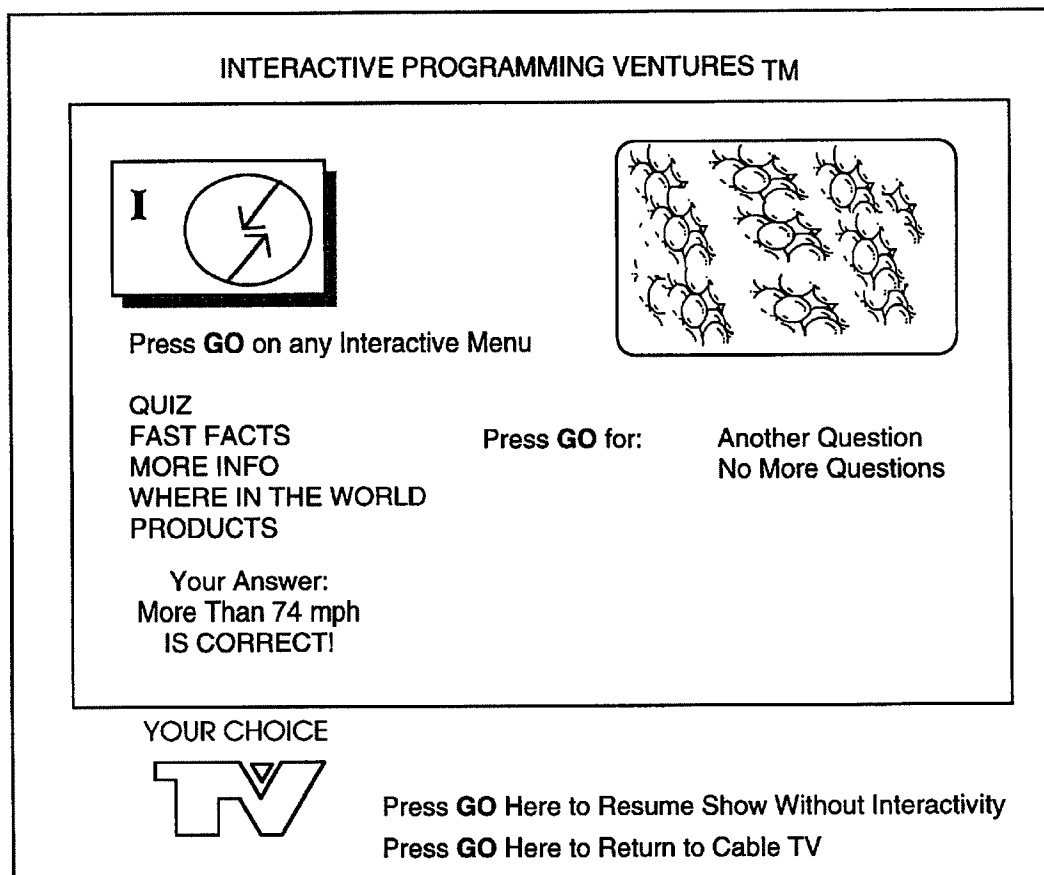
Fig. 33i

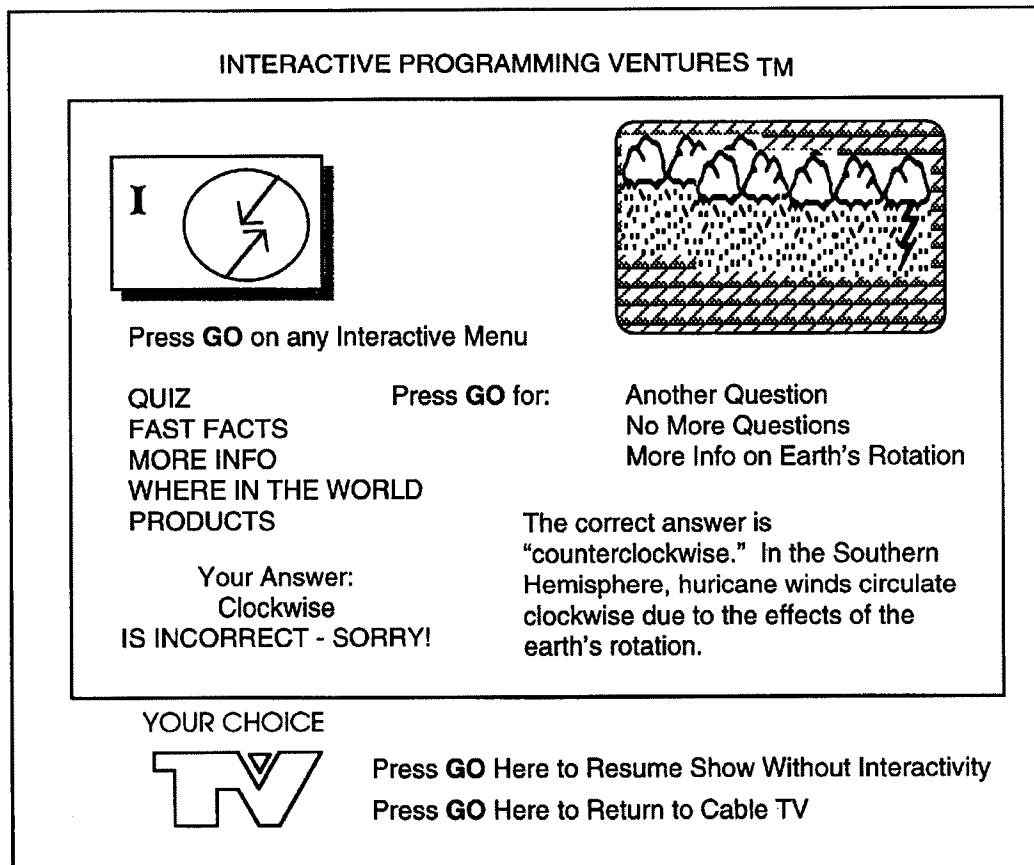
Fig. 33j

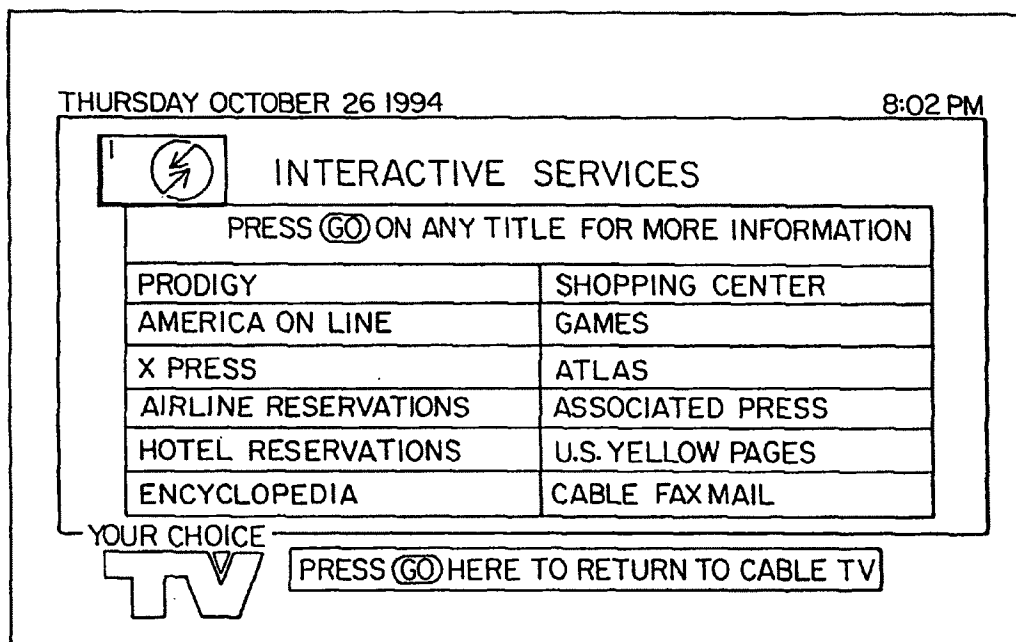
Fig. 34a

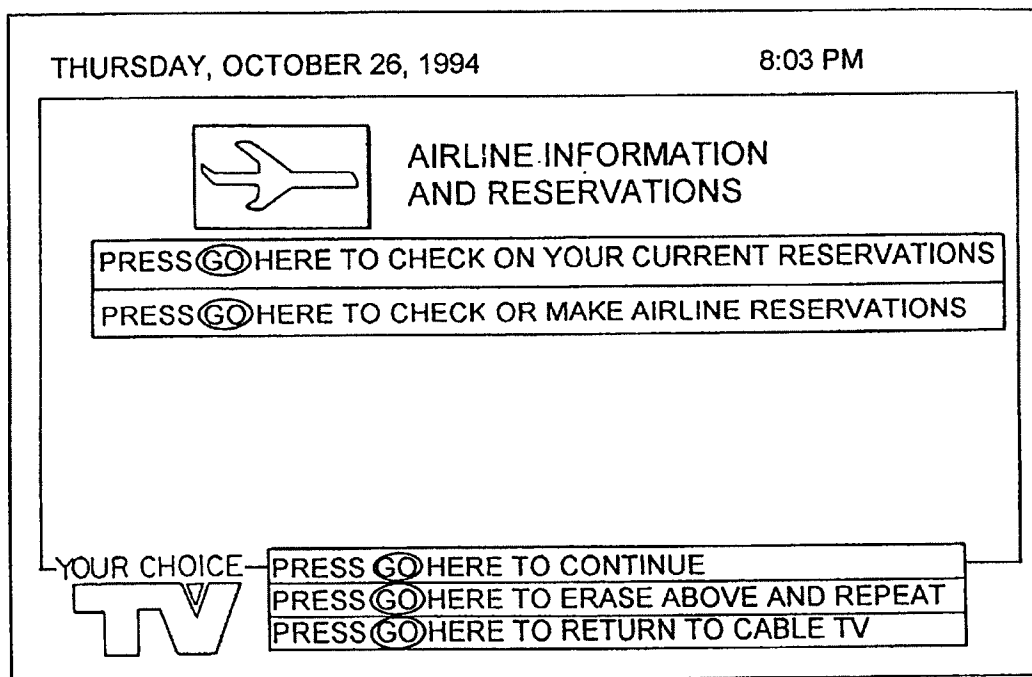
Fig. 34b

Fig. 34c



Thursday, October 26, 1994		7:59 PM			
	AIRLINE INFORMATION AND RESERVATIONS				
Press GO Here to Check on Your Current Reservations					
Press GO Here to Check or Make Airline Reservations					
Domestic Flight		or	International Flight		
Press GO on the year of your flight:					
1994		or	1995		
Press GO on the month of your flight:					
JAN	FEB	MAR	APR	MAY	JUN
JUL	AUG	SEP	OCT	NOV	DEC
YOUR CHOICE		Press GO Here to Continue			
		Press GO Here to Erase Above and Repeat			
		Press GO Here to Return to Cable TV			

Fig. 34d





Thursday, October 26, 1994					7:59 PM																																																																																				
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; padding: 2px; text-align: center;">  </div> <div style="flex-grow: 1;"> AIRLINE INFORMATION AND RESERVATIONS </div> </div>																																																																																									
<div style="text-align: center; margin-bottom: 10px;"> Press GO on the STATE You will DEPART: </div> <table style="width: 100%; border-collapse: collapse;"> <tr><td>AL</td><td>AK</td><td>AZ</td><td>AR</td><td>CA</td><td>CO</td><td>CT</td><td>DE</td><td>FL</td><td>GA</td></tr> <tr><td>HI</td><td>ID</td><td>IL</td><td>IN</td><td>IA</td><td>KS</td><td>KY</td><td>LA</td><td>ME</td><td>MD</td></tr> <tr><td>MA</td><td>MI</td><td>MN</td><td>MS</td><td>MO</td><td>MT</td><td>NE</td><td>NV</td><td>NH</td><td>NJ</td></tr> <tr><td>SD</td><td>TN</td><td>TX</td><td>UT</td><td>VT</td><td>VA</td><td>WA</td><td>WV</td><td>WI</td><td>WY</td></tr> </table> <div style="text-align: center; margin-bottom: 10px;"> Press GO on the STATE you will ARRIVE: </div> <table style="width: 100%; border-collapse: collapse;"> <tr><td>AL</td><td>AK</td><td>AZ</td><td>AR</td><td>CA</td><td>CO</td><td>CT</td><td>DE</td><td>FL</td><td>GA</td></tr> <tr><td>HI</td><td>ID</td><td>IL</td><td>IN</td><td>IA</td><td>KS</td><td>KY</td><td>LA</td><td>ME</td><td>MD</td></tr> <tr><td>MA</td><td>MI</td><td>MN</td><td>MS</td><td>MO</td><td>MT</td><td>NE</td><td>NV</td><td>NH</td><td>NJ</td></tr> <tr><td>SD</td><td>TN</td><td>TX</td><td>UT</td><td>VT</td><td>VA</td><td>WA</td><td>WV</td><td>WI</td><td>WY</td></tr> </table>										AL	AK	AZ	AR	CA	CO	CT	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE	NV	NH	NJ	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY	AL	AK	AZ	AR	CA	CO	CT	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE	NV	NH	NJ	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY
AL	AK	AZ	AR	CA	CO	CT	DE	FL	GA																																																																																
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AL	AK	AZ	AR	CA	CO	CT	DE	FL	GA																																																																																
HI	ID	IL	IN	IA	KS	KY	LA	ME	MD																																																																																
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SD	TN	TX	UT	VT	VA	WA	WV	WI	WY																																																																																
YOUR CHOICE 					Press GO Here to Continue Press GO Here to Erase Above and Repeat Press GO Here to Return to Cable TV																																																																																				

Fig. 34e

Thursday, October 26, 1994		7:59 PM	
		AIRLINE INFORMATION AND RESERVATIONS (Continued)	
Press GO on the ARIZONA airport you will DEPART:			
PHOENIX PRESCOTT	FLAGSTAFF YUMA	TUCSON Minor Airport List	
Press GO on the DC airport you will ARRIVE:			
NATIONAL Check Flights to all Three D.C. Airports	DULLES	BWI	
Press GO on your preferred departure time:			
Morning	Mid-day	Late aft.	eve/night anytime
Press GO on your preferred arrival time:			
Morning	Mid-day	Late aft.	eve/night anytime
YOUR CHOICE 		Press GO Here to Continue Press GO Here to Erase Above and Repeat Press GO Here to Return to Cable TV	

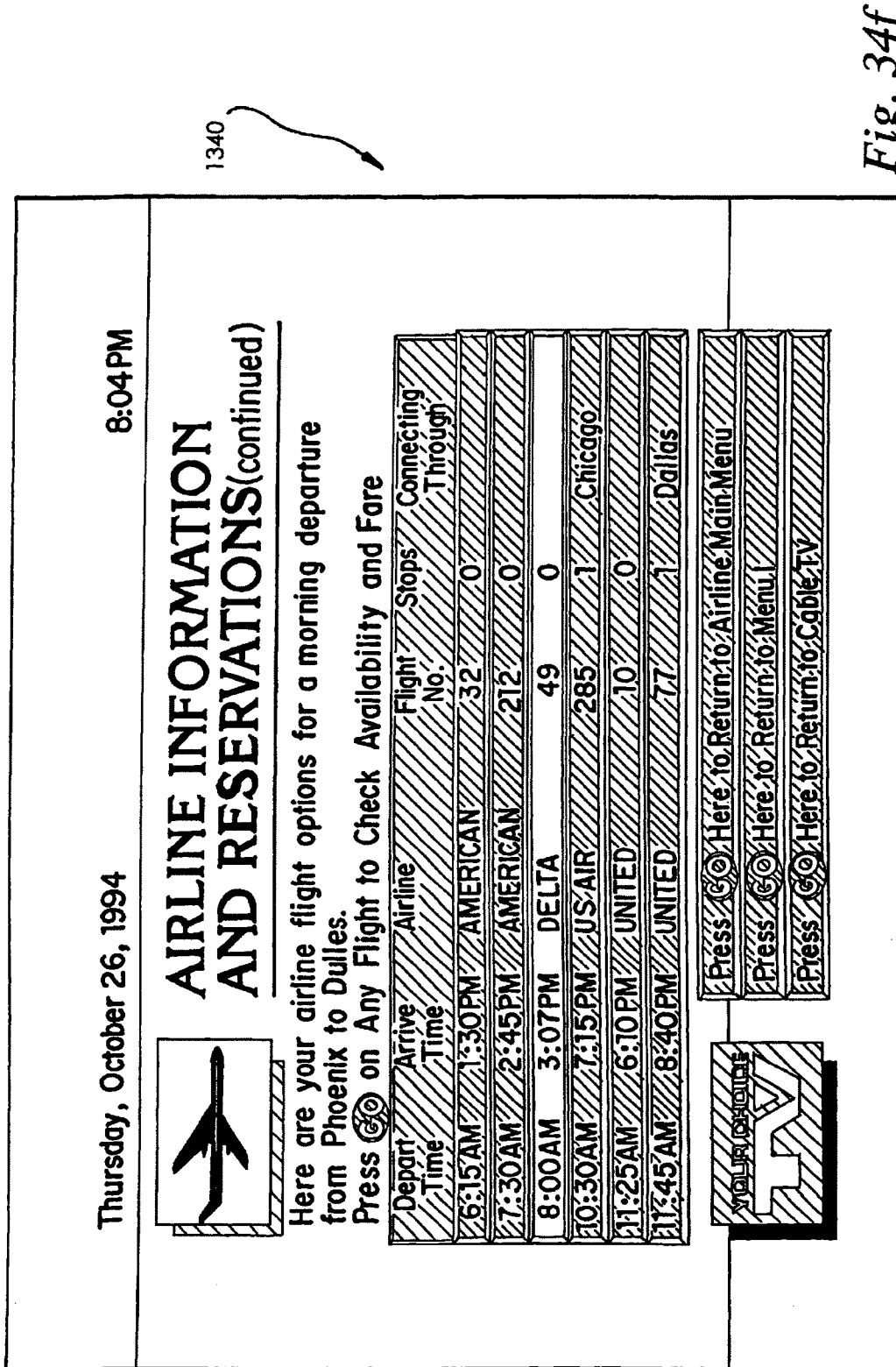
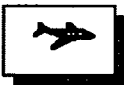



Fig. 34f

1340

Fig. 34g

Thursday, October 26, 1994		7:59 PM	
	AIRLINE INFORMATION AND RESERVATIONS (Continued)		
DELTA FLIGHT # 49 from Phoenix to Dulles direct departs 8:00 AM and arrives 3:07 PM			
To check availability, enter month, day and year with your remote - example 03 21 94			
Month:	11	Day: 25	Year: 9
Press GO Here to Erase Above Entries and Repeat Press GO Here if Above Entries are Correct			
YOUR CHOICE	Press GO Here to Return to Airline Main Menu		
	Press GO Here to Return to Menu 1		
	Press GO Here to Return to Cable TV		

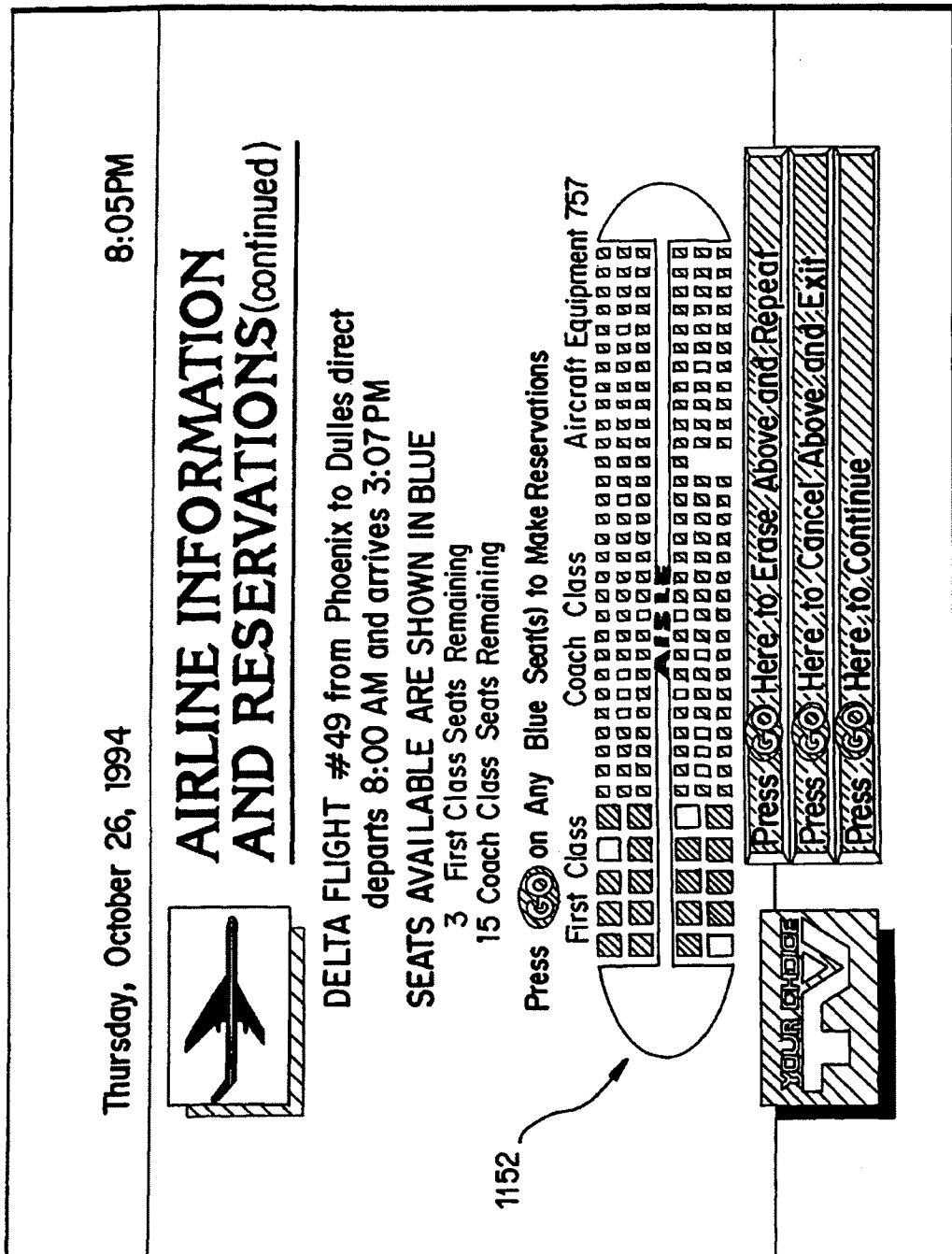
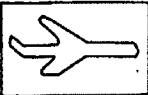



Fig. 34h


Fig. 34i


THURSDAY, OCTOBER 26, 1994		8:06PM	
	AIRLINE INFORMATION AND RESERVATIONS (CONTINUED)		
YOU HAVE SELECTED SEATS: 23A, 23B			
DELTA FLIGHT #49 FROM PHEONIX TO WASH. DULLES			
DATE: 11/25/94 DEPARTS 8:00AM AND ARRIVES 3:07PM			
ONE WAY FARE: \$295.00 23A		ROUND TRIP FARE: \$419.00 23A	
<u>\$295.00</u> 23B		<u>\$419.00</u> 23B	
TOTAL	\$590.00	TOTAL	\$838.00
PRESS GO HERE TO SELECT <u>ONE WAY</u> OR <u>ROUND TRIP</u>			
TO CONFIRM YOUR RESERVATION:			
	PRESS <u>GO</u> HERE TO CHARGE TO YOUR CREDIT CARD		
	PRESS <u>GO</u> HERE AND AN AGENT WILL CALL YOU		
	PRESS <u>GO</u> HERE TO EXIT WITHOUT RESERVATION		

1346

Thursday, October 26, 1994

8:06 PM



Press  on
Credit Card You
Want to Use:

AIRLINE INFORMATION AND RESERVATIONS(continued)

CREDIT CARD CHARGE

Amount: \$590.00

One Way: Phoenix to Dulles Date: 11/25/94

Departs: 8:00 AM Arrives: 3:07 PM Dinner

Delta Flight # 49

Master Charge

American Express

Visa

Discover

Master Charge

Enter Your Credit Card Number:

2

1

7

7


3


5


Enter Expiration Date (example 01/91 12/92):

Month:


Year:

Press  Here to Erase Above and Repeat

Press  Here to Cancel Above and Exit

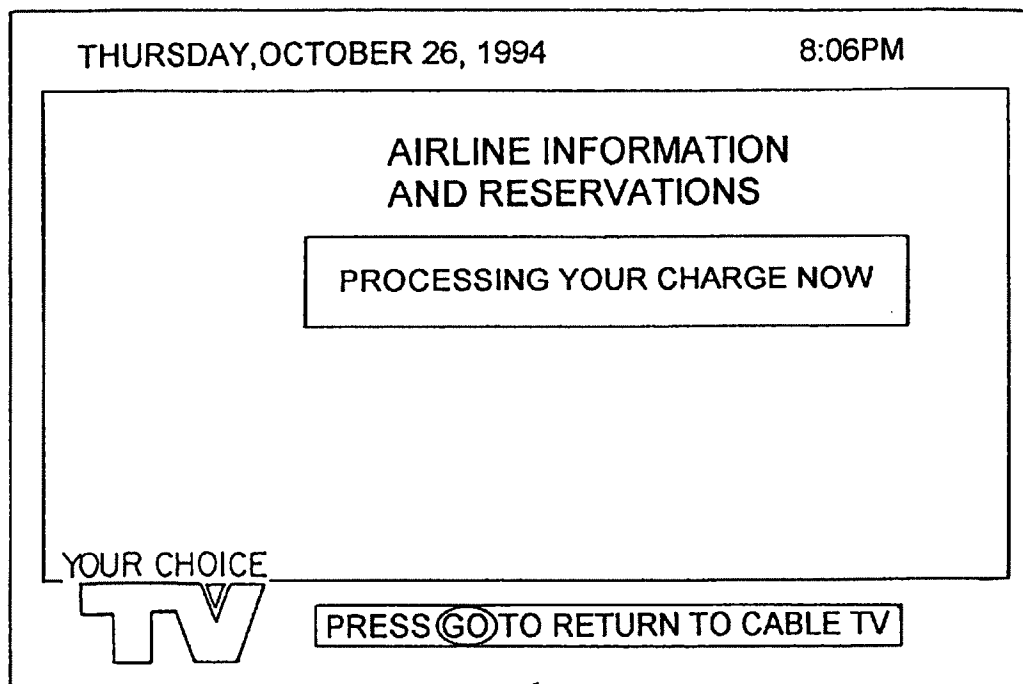
Press  Here to Confirm Above Charge

YOU ARE HERE





1348

Fig. 34j

Fig. 34k

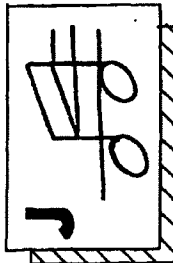
1350

Fig. 34l

Thursday, October 26, 1994		8:06 PM	
		AIRLINE INFORMATION AND RESERVATIONS	
Your flight has ben booked, seats reserved, and your credit card has been charged. This is your confirmation #R03574661			
Press GO Here to pick up your tickets at the Delta airport counter Press GO Here to have your tickets mailed to you			
For your convenience:		Press GO Here to store your credit card # IN MEMORY for your next reservation	
You can recheck your reservation through MENU I , Airline Reservations			
YOUR CHOICE			
		Press GO Here to Return to Cable TV	

Thursday, October 26, 1994


8:08 PM



DMX Demonstration

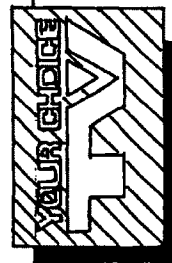



Here are the menu options you'll enjoy:

Press  On the station you want

Top 5	Hard Rock	Easy Listening	New Age	Country Top 40	Rhythm and Blues	Classical
Top 10	Heavy Metal	Instrumentals	Favorite Light Rock	Country New	Blues Legends	Classical Piano
Top 40	Rock Classics	Easy List. Favorites	Beatles Only	Country Classics	Soul	Classical Strings
Rock	Rap	Jazz	Rock Legends	Bluegrass	Soul Classics	Classical Guitar
50s	40s	50s	50s	70s	80s	90s
Waltz	Latin	Disco	Polka	Reggae	Dance Fever	Teen Dance
You are Listening to: MAGGIE MAY by Rod Stewart 1972						
More Information on Current Artist/Song						
Screen ON/OFF						

All this for just \$ 4.95 per month. Less than 1/2 the cost of one CD! ORDER NOW.

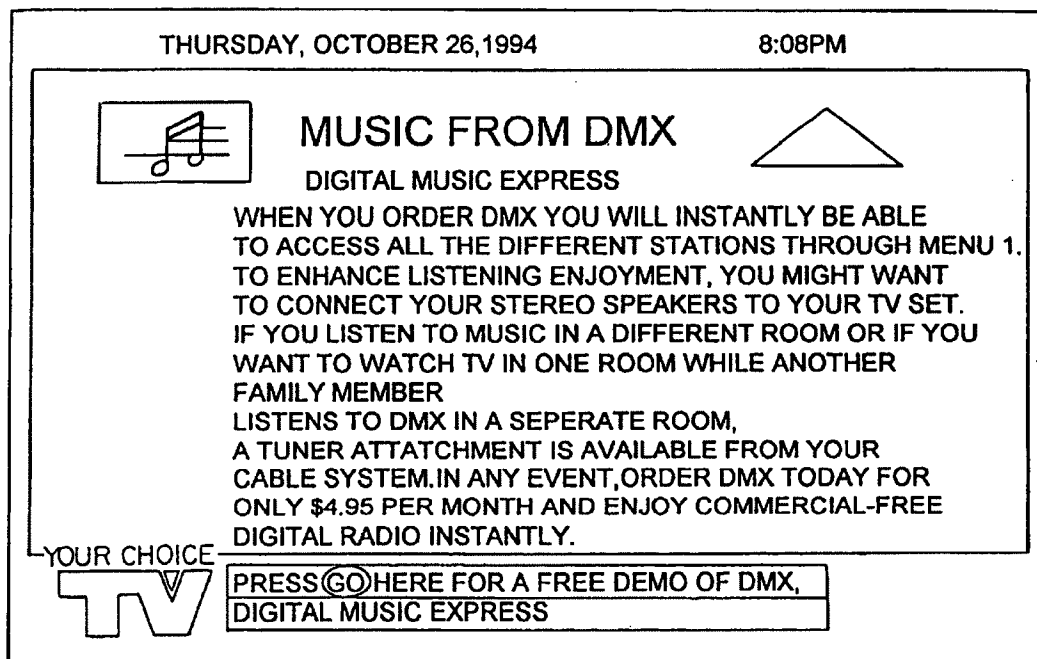


Press  Here to Order DMX

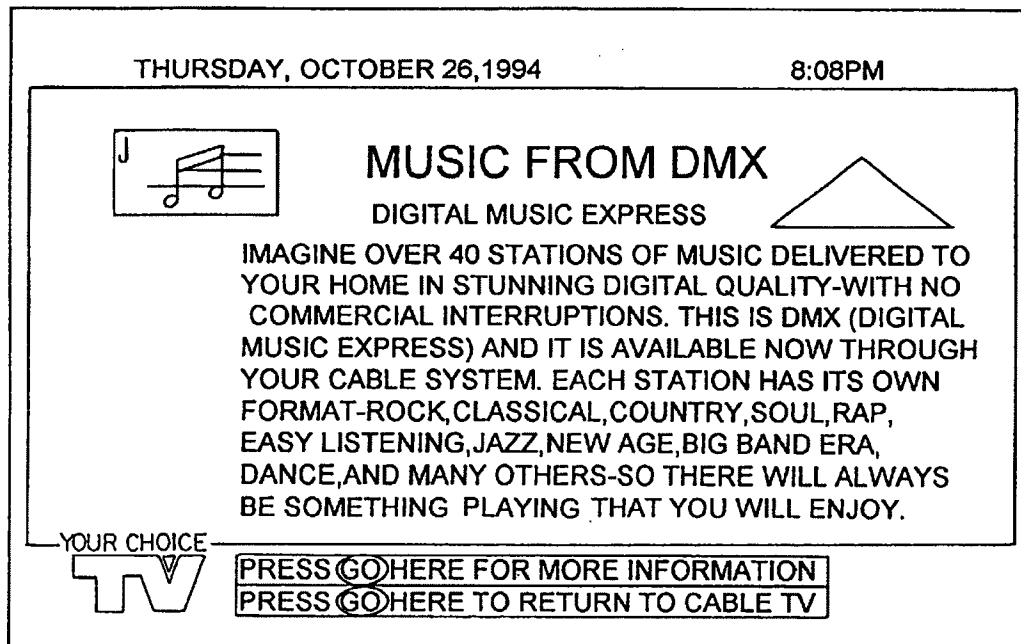
Press  Here to Return to Cable TV

Fig. 35a

1038

Fig. 35b


1400

Fig. 35c

1404

Fig. 35d

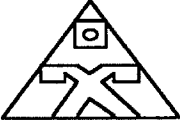
Thursday, October 26, 1994 8:09 PM



DMX Demonstration

Here are the menu options you'll enjoy:


Press **GO** On the station you want



Top 5	Hard Rock	Easy Listening	New Age	Country Top 40	Rythm and Blues	Classical
Top 10	Heavy Metal	Instru-mentals	Favorite Light Rock	New Country	Blues Legends	Classical Piano
Top 40	Rock Classics	Easy List. Favorites	Beatles Only	Country Classics	Soul	Classical Strings
Rock	Rap	Jazz	Rock Legends	Bluegrass	Soul Classics	Classical Guitar
'30s	'40s	'50s	'60s	'70s	'80s	'90s
Waltz	Latin	Disco	Polka	Reggae	Dance Fever	Teen Dance

You are listening to:
PIANO CONCERTO by Rachmaninoff No. 3 op, 30 1909
 More Information on Current Artist/Song **Screen ON/OFF**
 All this for just \$4.95 per month. Less than 1/2 the cost of one CD!
ORDER NOW.


YOUR CHOICE



Press **GO** Here to Order DMX
 Press **GO** Here to Return to Cable TV

Fig. 35e


Thursday, October 26, 1994 8:09 PM



DMX Demonstration

Here are the menu options you'll enjoy:

Press **GO** On the station you want



Top 5	Hard Rock	Easy Listening	New Age	Country Top 40	Rythm and Blues	Classical
Top 10	Heavy Metal	Instru-mentals	Favorite Light Rock	New Country	Blues Legends	Classical Piano
Top 40	Rock Classics	Easy List. Favorites	Beatles Only	Country Classics	Soul	Classical Strings
Rock	Rap	Jazz	Rock Legends	Bluegrass	Soul Classics	Classical Guitar
'30s	'40s	'50s	'60s	'70s	'80s	'90s
Waltz	Latin	Disco	Polka	Reggae	Dance Fever	Teen Dance


Selrgel Rachmaninoff was born in Onega, Russia on April 9, 1873. He was a pianist, composer and a conductor. Rachmaninoff composed the Third

More Information on Current Artist/Song

Screen ON/OFF

All this for just \$4.95 per month. Less than 1/2 the cost of one CD! ORDER NOW.


YOUR CHOICE




Press **GO** Here to Order DMX

Press **GO** Here to Return to Cable TV

Fig. 36a

Thursday, October 26, 1994		8:30 PM	
		MONTHLY ACCOUNT REVIEW	
		Press GO on MENUS for Details	
As of this date for:			
Mr. James Smith		MENU A	\$18.40
114 Green St.		MENU B	4.00
San Diego, CA		MENU C	2.65
		MENU D	3.85
		MENU E	2.15
		MENU F	3.00
		MENU G	2.95
		MENU H	N/A
Your orders		MENU I	4.95
over \$20.00		MENU J	4.95
are discounted			
20%		THANK YOU FOR ORDERING	TOTAL: \$46.90

YOUR CHOICE



Press **GO** Here to Continue

Press **GO** Here to Erase Above and Repeat

Press **GO** Here to Return to Cable TV

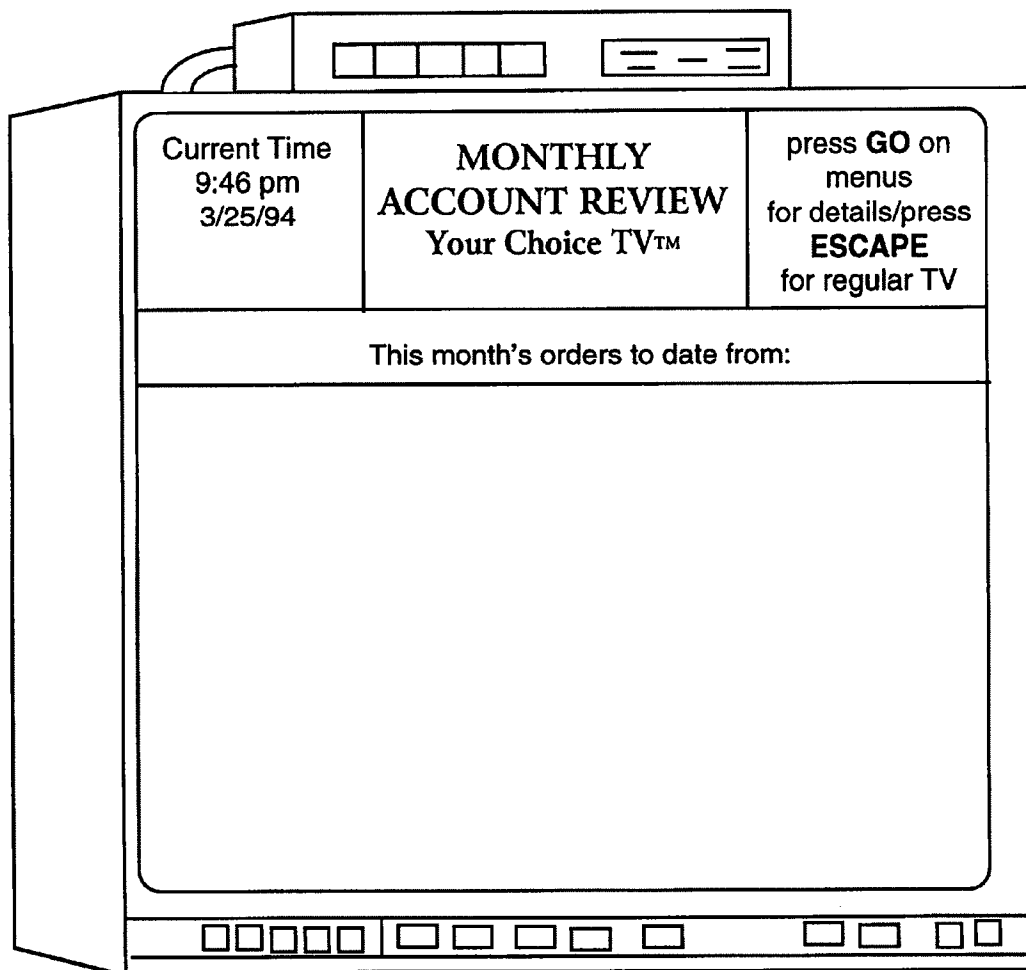


Fig. 36b

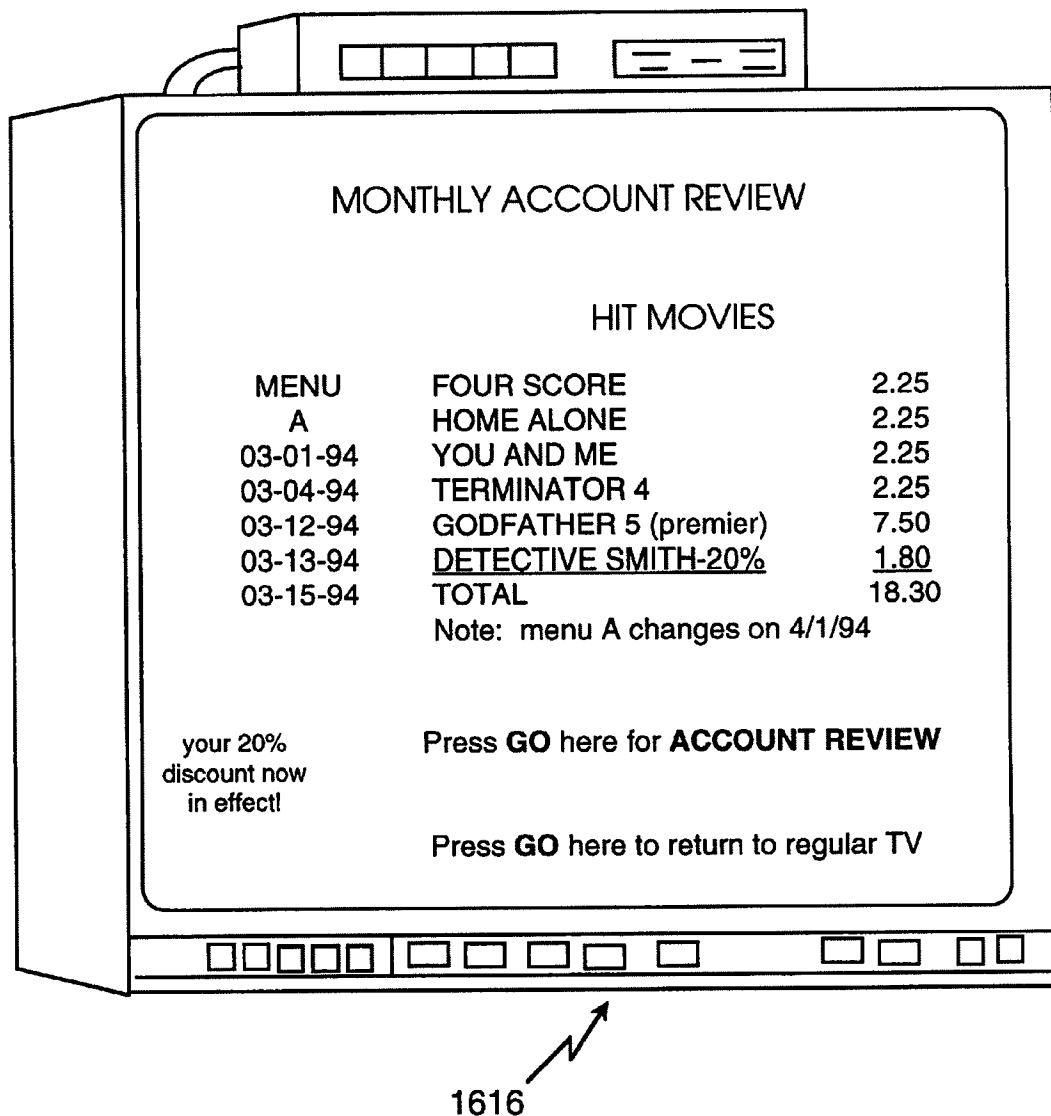
Fig. 37a

Thursday, October 26, 1994		8:30 PM
	MONTHLY ACCOUNT REVIEW	
Menu A - Hlt Movies		
10-01-94	Four Score	2.25
10-04-94	Home Alone	2.25
10-09-94	You and Me	2.25
10-13-94	Godfather 5 (premiere)	7.50
10-13-94	Detective Smith	2.25
10-26-94	<u>Terminator 4 - 20%</u>	<u>1.80</u>
TOTAL		18.30
Note: Menu A changes on 11/01/94 YOUR 20% DISCOUNT NOW IN EFFECT		

YOUR CHOICE

 Press **GO** Here for Account Review
Press **GO** Here to Return to Cable TV

1614

Fig. 37b

1

OPERATIONS CENTER FOR A TELEVISION PROGRAM PACKAGING AND DELIVERY SYSTEM

RELATED APPLICATIONS

This application is a continuation of Ser. No. 08/160,282 filed Dec. 2, 1993 which is a continuation-in-part of application Ser. No. 07/991,074, filed Dec. 9, 1992, entitled TELEVISION PROGRAM PACKAGING AND DELIVERY SYSTEM WITH MENU DRIVEN SUBSCRIBER ACCESS. The following other continuation-in-part applications, also based on the above-referenced patent application, are incorporated herein by reference:

Ser. No. 08/160,281, filed Dec. 2, 1993, entitled REPROGRAMMABLE TERMINAL FOR SUGGESTING PROGRAMS OFFERED ON A TELEVISION PROGRAM DELIVERY SYSTEM

Ser. No. 08/160,280, filed Dec. 2, 1993, entitled NETWORK CONTROLLER FOR CABLE TELEVISION DELIVERY SYSTEMS

Ser. No. 08/160,193, filed Dec. 2, 1993, entitled SET-TOP TERMINAL FOR CABLE TELEVISION DELIVERY SYSTEMS

Ser. No. 08/160,194, filed Dec. 2, 1993, entitled ADVANCED SET-TOP TERMINAL FOR CABLE TELEVISION DELIVERY SYSTEMS

Ser. No. 08/160,283, filed Dec. 2, 1993, entitled DIGITAL CABLE HEADEND FOR CABLE TELEVISION DELIVERY SYSTEM

TECHNICAL FIELD

The invention relates to television entertainment delivery systems that provide television programming to consumer homes. More particularly, the invention relates to an Operations Center that organizes and packages cable television programming for delivery to consumer homes.

BACKGROUND OF THE INVENTION

Advances in television entertainment have been primarily driven by breakthroughs in technology. In 1939, advances on Vladimir Zworykin's picture tube provided the stimulus for NBC to begin its first regular broadcasts. In 1975, advances in satellite technology provided consumers with increased programming to homes.

Many of these technology breakthroughs have produced inconvenient systems for consumers. One example is the ubiquitous three remote control home, having a separate and unique remote control for the TV, cable box and VCR. More recently, technology has provided cable users with 100 channels of programming. This increased program capacity is beyond the ability of many consumers to use effectively. No method of managing the program choices has been provided to consumers.

Consumers are demanding that future advances in television entertainment, particularly programs and program choices, be presented to the consumer in a user friendly manner. Consumer preferences, instead of technological breakthroughs, will drive the television entertainment market for at least the next 20 years. As computer vendors have experienced a switch from marketing new technology in computer hardware to marketing better useability, interfaces and service, the television entertainment industry will also experience a switch from new technology driving the market to consumer useability driving the market.

2

In order for new television entertainment products to be successful, the products must satisfy consumer demands. TV consumers wish to go from limited viewing choices to a variety of choices, from no control of programming to complete control. Consumers do not wish to pay for one hundred channels when due to lack of programming information, they seldom, if ever, watch programming on many of these channels.

The concepts of interactive television, high definition television and 300-500 channel cable systems in consumer homes will not sell if they are not packaged, delivered and presented in a useable fashion to consumers. The problem is that TV programming is not being managed, packaged, delivered, and presented to consumers in a user friendly manner.

Consumers are already being bombarded with programming options, numerous "free" cable channels, subscription cable channels and pay-per-view choices. Any further increase in TV entertainment choices will likely bewilder viewers with a mind-numbing array of choices.

The TV industry has traditionally marketed and sold its programs to consumers in bulk, such as continuous feed broadcast and long-term subscriptions to movie channels. The TV industry is unable to sell its programming in large quantities on a per unit basis, such as the ordering of one program.

In today's television world networks manage the program lineup for individual channels. Each network analyzes ratings for television shows and determines the appropriate schedule or program lineup to gain market share and revenue from advertising. Since each channel is in competition with every other channel, there is no coordinated effort to organize television programming in a manner that primarily suits the viewers.

Additionally, viewership fragmentation, which has already begun to decrease a channel's or program's market share, will increase. Programming not presented in a user friendly manner will suffer with a decrease in viewership and revenue.

And finally, with the imminent introduction of digital television technology, current television delivery systems do not have the capabilities or features necessary to operate in the digital environment.

What is needed is a method of organizing programming to be offered to viewers.

What is needed is a television program delivery system that can be operated in a distributive fashion and controlled from one or more national centers.

What is needed is an Operations Center for a system which can gather television programming in a variety of formats, package the programs, deliver the programs, and present the programs through a user friendly interface which allows the consumer to easily select from among the many program choices.

What is needed is an Operations Center that is capable of handling hundreds of programs in different formats.

What is needed is an Operations Center that is expandable for future types of programming.

What is needed is an Operations Center that can control certain features and software of a television delivery system.

What is needed is an Operations Center that operates in the digital audio/video environment.

What is needed is an Operations Center that formulates program menus for viewer use.

3

What is needed is a computer assisted program packaging system.

What is needed is an Operations Center that includes a method for billing consumers.

What is needed is an Operations Center that analyzes data on programs watched by viewers.

The present invention is addressed to fulfillment of these needs.

SUMMARY OF INVENTION

This invention is a center for controlling the operations of a digital television program delivery system. Specifically, the present invention is an Operations Center that allows for the organizing and packaging of television programs for transmission in a television delivery system.

The Operations Center is the nerve center of the television program delivery system. It receives data on viewership behavior and utilizes the data to assist in packaging programs for future viewing. The Operations Center is a particularly useful invention for television delivery systems which will provide users with the ability to select programs from on-screen menus.

The Operations Center's primary component is a computer assisted packaging system (CAP), which makes use of the necessary hardware and software to control and transmit programming signals over a television delivery system. This computer assisted packaging system creates the program lineup or packaging of programs and the packaging of menu and control information for later transmission and use in the cable television systems. The CAP can be specially designed to generate graphical menu displays for user selection of programs. The hardware and software for controlling and transmitting programming signals over the television delivery system is particularly useful in large television delivery systems which include satellite transmissions to cable headends.

The software of the CAP performs the functions of gathering analog (and/or digital) program signals from a variety of sources such as broadcast television, premium channels, and video disk. The software also packages the programs efficiently for the available bandwidth and for subscriber viewing through computer assisted creation of program line-up and allocating of bandwidth. The line-ups are created to effectively group programming for display in menus by categories. The television programs are packaged with the program control information (such as cost for viewing certain program) and menu information.

The Operations Center of the present invention provides a method for remote management and control of local cable and CATV programs available and on-screen menu displays shown to subscribers. The Operations Center's computer software programs and hardware provide "real-time" control over cable and CATV systems. By transmitting appropriate control information the Operations Center has the ability to change allocation of programs across physical channels, update menu information (from the Operations Center location), reprogram menu formats and menu flow, and change or augment a packaged program signal sent to a particular region of the country. The Operations Center is able to control remotely certain features and software of the set top terminals and if necessary reprogram menu display software stored at the set top terminals.

In order to properly manage program lineups, the Operations Center acquires viewer information on programs watched. Such viewer information includes information

4

about the buy rates of specific shows, viewer preferences for programming, and the like, gathered by recording viewer transactions. A compilation of viewer information data is needed in order to make decisions on future individualized program lineup and program packaging. In addition, allocation of menu space and construction of menus is aided by the use of viewer information data. This information is received from the set top terminals using a feedback loop, usually through the cable headends.

The present invention is not only able to operate in the digital environment but introduces many new features to television program delivery.

It is an object of this invention to provide a system for efficiently organizing television programs to be offered to viewers.

It is an object of this invention to provide an Operations Center for a television program delivery system.

It is an object of this invention to provide an Operations Center for a television program delivery system which can gather television programming in a variety of formats, package the programs, and deliver the packaged programs.

It is an object of this invention to provide an Operations Center for a program delivery system which presents programming viewing options to the consumer through a user friendly interface which allows the consumer to easily select from among the many program choices.

It is an object of this invention to provide an Operations Center that is capable of handling video/audio programming in different formats.

It is an object of this invention to provide an Operations Center capable of offering interactive television, high definition television (HDTV) and/or other advanced television features.

It is an object of this invention to provide an Operations Center that can control software and program features at the cable headend.

It is an object of this invention to provide an Operations Center that can control and if necessary reprogram set top terminals.

It is an object of this invention to provide an Operations Center for a digital program delivery system.

It is an object of this invention to provide an Operations Center that designs program menus.

It is an object of this invention to provide an Operations Center that uses data on programs viewed to create or aid in the selection of program line-ups.

It is an object of this invention to provide a computer assisted program packaging system for a television program delivery system.

These and other objects and advantages of the invention will become obvious to those skilled in the art upon review of the following description, the attached drawings and appended claims.

DESCRIPTION OF THE DRAWINGS

FIG. 1 is a diagram of the primary components of the television delivery system.

FIG. 2 is an overview of the television delivery system operations.

FIG. 3 is a schematic of the operation of the primary components of the system.

FIG. 4 is a schematic of the primary components of the Computer Assisted Packaging System (CAP).

FIG. 5 is a more detailed schematic of the hardware the Operations Center and CAP.

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FIG. 6a is a chart of the program control information carried by the program control information signal.

FIG. 6b shows a bit-wise data format for program control information.

FIG. 7 is a block diagram showing a Delivery Control Processor Unit and a Computer Assisted Packaging Apparatus.

FIG. 8 is a schematic of the subroutines for the CAP software.

FIG. 9 is a software flowchart representing CAP operations.

FIG. 10 is a diagram of the database structure for the databases supporting the operations of the CAP.

FIG. 11 is a block diagram of the Operations Center and Master Control Site.

FIG. 12 is a block diagram of the computer assisted packaging shown in FIG. 11.

FIG. 13 is a flow chart of the processing occurring at the Operations Center.

FIG. 14 is a diagram of the bandwidth allocation for a 750 Mhz system.

FIG. 15 is a diagram/chart of the compressed channel allocation for the system.

FIG. 16 is a diagram showing how three cable television systems each with a different bandwidth may use the program delivery system and operations center of the present invention simultaneously.

FIG. 17 is a diagram showing three different cable headend systems, each system receiving the entire satellite signal and stripping those parts of the signal which cannot be handled by the local cable system.

FIG. 18 is a diagram showing dynamic change in bandwidth allocation from a typical week day prime time program signal to a Saturday afternoon program signal.

FIG. 19 is a drawing of a broadcast television menu screen to be displayed on a set top terminal.

FIG. 20 is a drawing of a hit movie menu screen to be displayed on a set top terminal.

FIG. 21 is a drawing of a hit movie description menu screen to be displayed on a set top terminal.

FIG. 22 is a flow chart of the progression of primary menus in the menu driven system of the set top terminal.

FIG. 23a is a drawing of the basic menus used in the present invention, including the ten major menus represented by icons.

FIG. 23b is a drawing of the basic menus used in the present invention, in addition to FIG. 23a.

FIGS. 24a and 24b are drawings of introductory menus. FIGS. 25a, 25b, 25c and 25d are drawings of home menus.

FIG. 26 is a drawing of an alternative of a home menu.

FIGS. 27a, 27b, 27c, 27d, 27e, 27f and 27g are drawings of major menus.

FIGS. 28a and 28b are drawings of hit movie description menus.

FIGS. 29a and 29b are drawings of hit movie notification submenus.

FIG. 30a is a drawing of a hit movie escape during program menu.

FIG. 30b is a drawing of a hit movie during program hidden menu.

FIG. 30c is a drawing of a hit movie re-entry submenu.

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FIGS. 31a and 31b are drawings of menus related to high definition television programming.

FIGS. 32a, 32b, 32c, 32d, 32e and 32f are drawings of menus related to program guide services.

FIGS. 32g and 32h are drawings of broadcast television menus.

FIGS. 32i, 32j and 32k are drawings of mood question menus.

FIGS. 33a, 33b, and 33c are drawings of interactive television promotional menus, for Levels A-C.

FIGS. 33d, 33e, 33f, 33g, 33h, 33i and 33j are drawings of submenus for interactive television services, Level A.

FIGS. 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i, 34j, 34k and 34l are drawings of interactive services, Level B, particularly related to on-screen airline reservations.

FIGS. 35a, 35b, 35c, 35d and 35e are drawings of menus for digital audio services.

FIGS. 36a, 36b, 37a and 37b are drawings of monthly account menus.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

A. Television Program Delivery System Description

1. Introduction

FIG. 1 shows the present invention as part of an expanded cable television program delivery system 200 that dramatically increases programming capacity using compressed transmission of television program signals. Developments in digital bandwidth compression technology now allow much greater throughput of television program signals over existing or slightly modified transmission media. The program delivery system 200 shown provides subscribers with a user friendly interface to operate and exploit a six-fold or more increase in current program delivery capability.

Subscribers are able to access an expanded television program package and view selected programs through a menu-driven access scheme that allows each subscriber to select individual programs by sequencing a series of menus. The menus are sequenced by the subscriber using simple alpha-numeric and iconic character access or moving a cursor or highlight bar on the TV screen to access desired programs by simply pressing a single button, rather than recalling from memory and pressing the actual two or more digit numeric number assigned to a selection. Thus, with the press of a single button, the subscriber can advance from one menu to the next. In this fashion, the subscriber can sequence the menus and select a program from any given menu. The programs are grouped by category so that similar program offerings are found on the same menu.

2. Major System Components

In its most basic form, the system uses a program delivery system 200 in conjunction with a conventional concatenated cable television system 210. The program delivery system 200 generally includes (i) at least one operations center 202, where program packaging and control information are created and then assembled in the form of digital data, (ii) a digital compression system, where the digital data is compressed, combined/multiplexed, encoded, and mapped into digital signals for satellite transmission to the cable headend 208, and (iii) a set of in-home decompressors. The program delivery system 200 transports the digital signals to the cable headend 208 where the signals are transmitted through a concatenated cable television system 210. Within the cable headend 208, the received signals may be decoded, demultiplexed, managed by a local central distribution and switching mechanism, combined and then transmitted to the

set top terminal 220 located in each subscriber's home over the cable system 210. Although concatenated cable systems 210 are the most prevalent transmission media to the home, telephone lines, cellular networks, fiberoptics, Personal Communication Networks and similar technology for transmitting to the home can be used interchangeably with this program delivery system 200.

The delivery system 200 has a reception region 207 with an in-home decompression capability. This capability is performed by a decompressor housed within a set top terminal 220 in each subscriber's home. The decompressor remains transparent from the subscriber's point of view and allows any of the compressed signals to be demultiplexed and individually extracted from the composite data stream and then individually decompressed upon selection by the subscriber. The decompressed video signals are converted into analog signals for television display. Such analog signals include NTSC formatted signals for use by a standard television. Control signals are likewise extracted and decompressed and then either executed immediately or placed in local storage such as a RAM. Multiple sets of decompression hardware may be used to decompress video and control signals. The set top terminal 220 may then overlay or combine different signals to form the desired display on the subscriber's television. Graphics on video or picture-on-picture are examples of such a display.

Although a single digital compression standard (e.g., MPEG) may be used for both the program delivery system 200 and the concatenated cable system 210, the compression technique used may differ between the two systems. When the compression standards differ between the two media, the signals received by the cable headend 208 must be decompressed before transmission from the headend 208 to the set top terminals 220. Subsequently, the cable headend 208 must recompress and transmit the signals to the set top terminal 220, which would then decompress the signals using a specific decompression algorithm.

The video signals and program control signals received by the set top terminal 220 correspond to specific television programs and menu selections that each subscriber may access through a subscriber interface. The subscriber interface is a device with buttons located on the set top terminal 220 or on a portable remote control 900. In the preferred system embodiment, the subscriber interface is a combined alpha-character, numeric and iconic remote control device 900, which provides direct or menu-driven program access. The preferred subscriber interface also contains cursor movement and go buttons as well as alpha, numeric and iconic buttons. This subscriber interface and menu arrangement enables the subscriber to sequence through menus by choosing from among several menu options that are displayed on the television screen. In addition, a user may bypass several menu screens and immediately choose a program by selecting the appropriate alpha-character, numeric or iconic combinations on the subscriber interface. In the preferred embodiment, the set top terminal 220 generates the menus that are displayed on the television by creating arrays of particular menu templates, and the set top terminal 220 displays a specific menu or submenu option for each available video signal.

3. Operations Center and Digital Compression System

The operations center 202 performs two primary services, packaging television programs and generating the program control information signal. At the operations center 202, television programs are received from external program sources in both analog and digital form. FIG. 2 shows an embodiment of the operations center receiving signals from

various external sources 212. Examples of the external program sources are sporting events, children's programs, specialty channels, news or any other program source that can provide audio or visual signals. Once the programs are received from the external program sources, the operations center 202 digitizes (and preferably compresses) any program signals received in analog form. The operations center 202 may also maintain an internal storage of programs. The internally stored programs may be in analog or digital form and stored on permanent or volatile memory sources, including magnetic tape or RAM. Subsequent to receiving programming, the operations center 202 packages the programs into the groups and categories which provide the optimal marketing of the programs to subscribers. For example, the operations center 202 may package the same programs into different categories and menus for weekday, prime-time viewing and Saturday afternoon viewing. Also, the operations center 202 packages the television programs in a manner that enables both the various menus to easily represent the programs and the subscribers to easily access the programs through the menus.

The packaging of the digital signals is typically performed at the operations center 202 by computer assisted packaging equipment (CAP). The CAP system normally includes at least one computer monitor, keyboard, mouse, and standard video editing equipment. A programmer packages the signals by entering certain information into the CAP. This information includes the date, time slot, and program category of the various programs. The programmer and the CAP utilize demographic data and ratings in performing the packaging tasks. After the programmer selects the various programs from a pool of available programs and inputs the requisite information, the programmer, with assistance from the CAP, can select the price and allocate transponder space for the various programs. After the process is complete, the CAP displays draft menus or program schedules that correspond to the entries of the programmer. The CAP may also graphically display allocation of transponder space. The programmer may edit the menus and transponder allocation several times until satisfied with the programming schedule. During the editing, the programmer may direct the exact location of any program name on a menu with simple commands to the CAP.

The packaging process also accounts for any groupings by satellite transponder which are necessary. The operations center 202 may send different groups of programs to different cable headends 208 and/or set top terminals 220. One way the operations center 202 may accomplish this task is to send different program packages to each transponder. Each transponder, or set of transponders, then relays a specific program package to specific cable headends 208 and/or set top terminals 220. The allocation of transponder space is an important task performed by the operations center 202.

The operations center 202 may also "insert" directions for filling local available program time in the packaged signal to enable local cable and television companies to fill the program time with local advertising and/or local programming. Consequently, the local cable headends 208 are not constrained to show only programs transmitted from the operations center 202. New set top converters will incorporate both digital and analog channels. Therefore, the cable headend 208 may combine analog signals with the digital signals prior to transmitting the program signals to the set top terminals 220.

After the CAP packages the programs, it creates a program control information signal to be delivered with the program package to the cable headend 208 and/or set top

terminal 220. The program control information signal contains a description of the contents of the program package, commands to be sent to the cable headend 208 and/or set top terminal 220, and other information relevant to the signal transmission.

In addition to packaging the signal, the operations center 202 employs digital compression techniques to increase existing satellite transponder capacity by at least a 4:1 ratio, resulting in a four-fold increase in program delivery capability. A number of digital compression algorithms currently exist which can achieve the resultant increase in capacity and improved signal quality desired for the system. The algorithms generally use one or more of three basic digital compression techniques: (1) within-frame (intraframe) compression, (2) frame-to-frame (interframe) compression, and (3) within carrier compression. Specifically, in the preferred embodiment, the MPEG 2 compression method is used. After digital compression, the signals are combined (multiplexed) and encoded. The combined signal is subsequently transmitted to various uplink sites 204.

There may be a single uplink site 204 or multiple uplink sites (represented by 204', shown in phantom in FIG. 1) for each operation center 202. The uplink sites 204 may either be located in the same geographical place or may be located remotely from the operations center 202. Once the composite signal is transmitted to the uplink sites 204, the signal may be multiplexed with other signals, modulated, upconverted and amplified for transmission over satellite. Multiple cable headends 208 may receive such transmissions.

In addition to multiple uplinks, the delivery system 200 may also contain multiple operations centers. The preferred method for using multiple operations centers is to designate one of the operations centers as a master operations center and to designate the remaining operations centers as slave operations centers. In this configuration, the master operations center coordinates various functions among the slave operations centers such as synchronization of simultaneous transmissions and distributes the operations workload efficiently.

4. Cable Headend

After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220. Each cable headend site is generally equipped with multiple satellite receiver dishes. Each dish is capable of handling multiple transponder signals from a single satellite and sometimes from multiple satellites.

With reference to FIG. 3, as an intermediary between the set top terminals 220 and the operations center 202 and master control uplink site 211 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202.

FIG. 3 shows an embodiment where the cable headend 208 and the subscriber's home are linked by certain communications media 216. In this particular embodiment, analog signals, digitally compressed signals, other digital signals and up-stream/interactivity signals are sent and received over the media 216. The cable headend 208 provides such signaling capabilities in its dual roles as a signal processor 209 and network controller 214.

As a signal processor 209, the cable headend 208 prepares the program signals that are received by the cable headend 208 for transmission to each set top terminal 220. In the preferred system, the signal processor 209 re-routes or demultiplexes and recombines the signals and digital information received from the operations center 202 and allocates different portions of the signal to different frequency ranges. Cable headends 208 which offer different subscribers different program offerings may allocate the program signals from the operations center 202 in various manners to accommodate different viewers. The signal processor 209 may also incorporate local programming and/or local advertisements into the program signal and forward the revised signal to the set top terminals 220. To accommodate this local programming availability, the signal processor 209 must combine the local signal in digital or analog form with the operations center program signals. If the local cable system uses a compression standard that is different than the one used by the operations center 202, the signal processor 209 must also decompress and recompress incoming signals so they may be properly formatted for transmission to the set top terminals 220. This process becomes less important as standards develop (i.e., MPEG 2). In addition, the signal processor 209 performs any necessary signal decryption and/or encryption.

As a network controller 214, the cable headend 208 performs the system control functions for the system. The primary function of the network controller 214 is to manage the configuration of the set top terminals 220 and process signals received from the set top terminals 220. In the preferred embodiment, the network controller 214 monitors, among other things, automatic poll-back responses from the set top terminals 220 remotely located at each subscribers' home. The polling and automatic report-back cycle occurs frequently enough to allow the network controller 214 to maintain accurate account and billing information as well as monitor authorized channel access. In the simplest embodiment, information to be sent to the network controller 214 will be stored in RAM within each subscriber's set top terminal 220 and will be retrieved only upon polling by the network controller 214. Retrieval may, for example, occur on a daily, weekly or monthly basis. The network controller 214 allows the system to maintain complete information on all programs watched using a particular set top terminal 220.

The network controller 214 is also able to respond to the immediate needs of a set top terminal 220 by modifying a program control information signal received from the operations center 202. Therefore, the network controller 214 enables the delivery system to adapt to the specific requirements of individual set top terminals 220 when the requirements cannot be provided to the operations center 202 in advance. In other words, the network controller 214 is able to perform "on the fly programming" changes. With this capability, the network controller 214 can handle sophisticated local programming needs such as, for example, interactive television services, split screen video, and selection of different foreign languages for the same video. In addition, the network controller 214 controls and monitors all compressors and decompressors in the system.

The delivery system 200 and digital compression of the preferred embodiment provides a one-way path from the operations center 202 to the cable headend 208. Status and billing information is sent from the set top terminal 220 to the network controller 214 at the cable headend 208 and not directly to the operations center 202. Thus, program monitoring and selection control will take place only at the cable headend 208 by the local cable company and its decentral-

ized network controllers 214 (i.e., decentralized relative to the operations center 202, which is central to the program delivery system 200). The local cable company will in turn be in communication with the operations center 202 or a regional control center (not shown) which accumulates return data from the set top terminal 220 for statistical or billing purposes. In alternative system embodiments, the operations center 202 and the statistical and billing sites are collocated. Further, telephone lines with modems are used to transfer information from the set top terminal 220 to the statistical and billing sites.

5. Set Top Terminal

The set top terminal 220 is the portion of the delivery system 200 that resides in the home of a subscriber. The set top terminal 220 is usually located above or below the subscriber's television, but it may be placed anywhere in or near the subscriber's home as long as it is within the range of the subscriber's remote control device 900. In some aspects, the set top terminal 220 may resemble converter boxes already used by many cable systems. For instance, each set top terminal 220 may include a variety of error detection, decryption, and coding techniques such as anti-taping encoding. However, it will become apparent from the discussion below that the set top terminal 220 is able to perform many functions that an ordinary converter box cannot perform.

The set top terminal 220 has a plurality of input and output ports to enable it to communicate with other local and remote devices. The set top terminal 220 has an input port that receives information from the cable headend 208. In addition, the unit has at least two output ports which provide communications from the set top terminal 220 to a television and a VCR. Certain menu selections may cause the set top terminal 220 to send control signals directly to the VCR to automatically program or operate the VCR. Also, the set top terminal 220 contains a phone Jack which can be used for maintenance, trouble shooting, reprogramming and additional customer features. The set top terminal 220 may also contain stereo/audio output terminals and a satellite dish input port.

Functionally, the set top terminal 220 is the last component in the delivery system chain. The set top terminal 220 receives compressed program and control signals from the cable headend 208 (or, in some cases, directly from the operations center 202). After the set top terminal 220 receives the individually compressed program and control signals, the signals are demultiplexed, decompressed, converted to analog signals (if necessary) and either placed in local storage (from which the menu template may be created), executed immediately, or sent directly to the television screen.

After processing certain signals received from the cable headend 208, the set top terminal 220 is able to store menu templates for creating menus that are displayed on a subscriber's television by using an array of menu templates. Before a menu can be constructed, menu templates must be created and sent to the set top terminal 220 for storage. A microprocessor uses the control signals received from the operations center 202 or cable headend 208 to generate the menu templates for storage. Each menu template may be stored in volatile memory in the set top terminal 220. When the set top terminal receives template information it demultiplexes the program control signals received from the cable headend 208 into four primary parts: video, graphics, program logic and text. Each menu template represents a different portion of a whole menu, such as a menu background, television logo, cursor highlight overlay, or

other miscellaneous components needed to build a menu. The menu templates may be deleted or altered using control signals received from the operations center 202 or cable headend 208.

Once the menu templates have been stored in memory, the set top terminal 220 can generate the appropriate menus. In the preferred embodiment, the basic menu format information is stored in memory located within the set top terminal 220 so that the microprocessor may locally access the information from the set top terminal instead of from an incoming signal. The microprocessor next generates the appropriate menus from the menu templates and the other menu information stored in memory. The set top terminal 220 then displays specific menus on the subscriber's television screen that correspond to the inputs the subscriber selects.

If the subscriber selects a specific program from a menu, the set top terminal 220 determines on which channel the program is being shown, demultiplexes and extracts the single channel transmitted from the cable headend 208. The set top terminal 220 then decompresses the channel and, if necessary, converts the program signal to an analog NTSC signal to enable the subscriber to view the selected program. The set top terminal 220 can be equipped to decompress more than one program signal, but this would unnecessarily add to the cost of the unit since a subscriber will generally only view one program at a time. However, two or three decompressors may be desirable to provide picture-on-picture capability, control signal decompression, enhanced channel switching or like features.

In addition to menu information, the set top terminal 220 may also store text transmitted from the cable headend 208 or the operations center 202. The text may inform the subscriber about upcoming events, billing and account status, new subscriptions, or other relevant information. The text will be stored in an appropriate memory location depending on the frequency and the duration of the use of the textual message.

Also, optional upgrades are available to enhance the performance of a subscriber's set top terminal 220. These upgrades may consist of a cartridge or computer card (not shown) that is inserted into an expansion slot in the set top terminal 220 or may consist of a feature offered by the cable headend 208 or operations center 202 to which the user may subscribe. Available upgrades may include on line data base services, interactive multi-media services, access to digital radio channels, and other services.

In the simplest embodiment, available converter boxes such as those manufactured by General Instruments or Scientific Atlanta, may be modified and upgraded to perform the functions of a set top terminal 220. The preferred upgrade is a circuit card with a microprocessor which is electronically connected to or inserted into the converter box.

6. Remote Control Device

The primary conduit for communication between the subscriber and the set top terminal 220 is through the subscriber interface, preferably a remote control device 900. Through this interface, the subscriber may select desired programming through the system's menu-driven scheme or by directly accessing a specific channel by entering the actual channel number. Using the interface, the subscriber can navigate through a series of informative program selection menus. By using menu-driven, iconic or alpha-character access, the subscriber can access desired programs by simply pressing a single button rather than recalling from memory and pressing the actual channel number to make a

selection. The subscriber can access regular broadcast and basic cable television stations by using either the numeric keys on the remote control 900 (pressing the corresponding channel number), or one of the menu icon selection options.

In addition to enabling the subscriber to easily interact with the cable system 200, the physical characteristics of the subscriber interface 900 should also add to the user friendliness of the system. The remote control 900 should easily fit in the palm of the user's hand. The buttons of the preferred remote control 900 contain pictorial symbols that are easily identifiable by the subscriber. Also, buttons that perform similar functions may be color coordinated and consist of distinguishing textures to increase the user friendliness of the system.

7. Menu-Driven Program Selection

The menu-driven scheme provides the subscriber with one-step access to all major menus, ranging from hit movies to sport specials to specialty programs. From any of the major menus, the subscriber can in turn access submenus and minor menus by cursor or alpha-character access.

There are two different types of menus utilized by the preferred embodiment, the Program Selection menus and the During Program menus. The first series of menus, Program Selection menus, consists of an Introductory, a Home, Major menus, and Submenus. The second series of menus, During Program menus, consists of two primary types, Hidden menus and the Program Overlay menus.

Immediately after the subscriber turns on the set top terminal 220, the Introductory menu welcomes the subscriber to the system. The Introductory menu may display important announcements from the local cable franchise, advertisements from the cable provider, or other types of messages. In addition, the Introductory menu can inform the subscriber if the cable headend 208 has sent a personal message to the subscriber's particular set top terminal 220.

After the Introductory menu has been displayed the subscriber may advance to the next level of menus, namely the Home menu. In the preferred embodiment, after a certain period of time, the cable system will advance the subscriber by default to the Home menu. From the Home menu, the subscriber is able to access all of the programming options. The subscriber may either select a program directly by entering the appropriate channel number from the remote control 900, or the subscriber may sequence through incremental levels of menu options starting from the Home menu. The Home menu lists categories that correspond to the first level of menus called Major menus.

If the subscriber chooses to sequence through subsequent menus, the subscriber will be forwarded to the Major menu that corresponds to the chosen category from the Home menu. The Major menus further refine a subscriber's search and help guide the subscriber to the selection of his choice.

From the Major menus, the subscriber may access several submenus. From each submenu, the subscriber may access other submenus until the subscriber finds a desired television program. Similar to the Major menu, each successive level of Submenus further refines the subscriber's search. The system also enables the subscriber to skip certain menus or submenus and directly access a specific menu or television program by entering the appropriate commands on the remote control 900.

The During program menus (including Hidden Menus and Program Overlay Menus) are displayed by the set top terminal 220 only after the subscriber has selected a television program. In order to avoid disturbing the subscriber, the set top terminal 220 does not display the Hidden Menus until the subscriber selects the appropriate option to display a

Hidden Menu. The Hidden Menus contain options that are relevant to the program selected by the viewer. For example, a Hidden Menu may contain options that enable a subscriber to enter an interactive mode or escape from the selected program.

Program Overlay Menus are similar to Hidden Menus because they occur during a program and are related to the program being viewed. However, the Program Overlay Menus are displayed concurrently with the program selected by the subscriber. Most Program Overlay Menus are small enough on the screen to allow the subscriber to continue viewing the selected program comfortably.

B. Operations Center with Computer Assisted Packaging System

FIG. 4 broadly shows the configuration for the computer assisted packaging system (CAP) 260 of the Operations Center 202. The primary components of the CAP 260 consist of multiple packager workstations 262, a central processing unit 264, video/audio editing equipment 266, and one or more databases 268 and 269. Additional remotely located databases, such as local video storage database 267, and buffers 271 and controllers 272 for external program feeds make up the peripherals of the CAP system 260.

The heart of the CAP 260 is a central processing unit 264 which communicates with all the component parts of the CAP 260. The central processing unit 264 can be a powerful PC, a mini-computer, a mainframe or a combination of computing equipment running in parallel. The central processing unit 264 includes all the necessary interconnections to control peripheral equipment such as the external video controls 272. The central processing unit 264 has sufficient memory 274 to store the program instructions of the sub-routines which operate the CAP 260.

The CAP 260 receives data from one or more databases, such as the Operations Center Database 268 and the Cable Franchise Information Database 269 shown in FIG. 4. In addition, separate databases are maintained of viewer information, such as demographics and programs viewed. The CAP 260 can control the reception of external sources by enabling and disabling the external video controls 272. The external video controls 272 include buffers to delay as necessary external programs received by the Operations Center 202.

The functions of the video/audio equipment 266 include digitizing analog programs, digitizing and compressing analog programs (in a single step, e.g., MPEG), and compressing digital program signals as requested by the central processing unit 264.

The CAP 260 receives video and audio from two sources: internally from a local video storage 267 and externally from external sources through external video controls 272. When necessary, video is manipulated, formatted and/or digitized using video/audio equipment 266 which is controlled by CAP 264.

Referring back to FIG. 2, an overview of an operating cable television menu driven program delivery system 200 highlighting various external programming signal sources 212 is depicted. The Operations Center 202 is shown receiving external programming signals which correspond to particular programming categories that are available for a subscriber's viewing. These external signals may be in analog or digital form and may be received via landline, microwave transmission, or satellite. Some of these external signals may be transmitted from the program source 212 to the Operations Center 202 in compressed digital format or other nonstandard digital formats. These external signals are received and packaged with programming that is stored at

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the Operations Center 202. Examples of external program sources 212 shown in FIG. 2 are: Sporting events, children's programs, documentaries, high definition TV sources, specialty channels, interactive services, weather, news, and other nonfiction or entertainment. Any source that can provide either audio or video or both may be utilized to provide programming to the Operations Center 202.

In order to achieve the required throughput of video and audio information for the system, digital compression techniques are employed. A television signal is first digitized. The object of digitization is two-fold: First, in the case of an analog signal, like a television picture, digitization allows the signal to be converted from a waveform into a digital binary format. Secondly, through the use of digital compression techniques, standard digital formats are designed to have the resulting pictures or video stills take up less space on their respective storage mediums. Essentially, as described below, a standard digital format will define the method of compression used.

There are three basic digital compression techniques: within-frame (intraframe), frame-to-frame (interframe), and within-carrier. Intraframe compression processes each frame in a television picture to contain fewer visual details and, therefore, the picture contains fewer digital bits. Interframe compression transmits only changes between frames, thus omitting elements repeated in successive frames. Within-carrier compression allows the compression ratio to dynamically vary depending upon the amount of changes between frames. If a large number of changes occur between frames, the compression ratio drops from, for example, sixteen-to-one to eight-to-one. If action is intense, the compression ratio may dip to four to one.

Several standard digital formats representing both digitizing standards and compression standards have been developed. For example, JPEG (joint photographic experts group) is a standard for single picture digitization. Motion picture digitization may be represented by standards such as MPEG or MPEG 2 (motion picture engineering group specifications). Other proprietary standards have been developed in addition to these. The preferred embodiment uses the MPEG-2 standard of coding and those of ordinary skill in the art are presumed to be familiar with the MPEG-2 standard. The MPEG-2 Systems Working Draft Proposal from the Systems Committee of the International Organization For Standardization, document ISO/IE JT1/SC29/WG11"N0531" MPEG93 dated Sep. 10, 1993, is hereby incorporated by reference. Although MPEG and MPEG2 for motion pictures are preferred in the present invention, any reliable digital format with compression may be used with the present invention.

Various hybrids of the above compression techniques have been developed by several companies including AT&T, Compression Labs, Inc., General Instrument, Scientific-Atlanta, Phillips, and Zenith. As is known by those skilled in the art, any of the compression techniques developed by these companies, and other known techniques, may be used with the present invention.

With reference to FIG. 4, the human intervention in this system is conducted by a programmer or program packager operating from the one or more work stations 262 connected to the system. These work stations 262 are preferably intelligent work stations with large CRT screens. In the preferred embodiment, a suitable keyboard, mouse and color monitor are used with the workstation. From these work stations, the packager can create program lineups, prioritize programs, initiate dynamic menu allocation, initiate dynamic bandwidth allocation, design menus, place pro-

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gram names and descriptions onto menus, create menus with still and live video, move text on menus, change the colors of objects on menus and perform various other tasks for the program delivery system 200.

Almost any Operations Center 202 function that normally requires human intervention can be conducted at the packager workstation 262. Although data entry for the databases can be performed manually at the workstations 262, it is preferred that the data entry be completed through electronic transfers of information. Alternatively, the data can be loaded from customary portable storage media such as magnetic disks or tape.

An integral part of the Computer Assisting Packaging system is the retrieval of viewer data, and the assimilation of that data into the program packaging method (especially the menu configuration) as discussed in reference to FIG. 8 MII 402. This involves two main steps, first, retrieval of raw data from the set top terminals, and then filtering and presenting that data. Each headend 208 compiles the viewer data, and then sends it verbatim to the Operations Center 202. This raw data is necessary because different responsibilities of the Operations Center 202 require different parts of the raw information. Also a record must be kept of overall data. Once the data is assembled at the Operations Center 202, the data is filtered for each application.

The raw data gathered includes but is not limited to:

What programs a viewer purchased and when it was purchased

What channel a specific viewer watched and for how long.

This information can then be used to calculate the following:

How many viewers watched a particular program.

Peak viewing times for different categories of shows.

Buy rates for particular menu positions.

Menu creation, both automatically and manually, is one of the major CAP functions that involves the incorporation of the raw data. An automated software procedure (such as the EIS) analyzes the data and, using certain heuristics, creates the menus.

One heuristic, for example, is that when a show is not ordered frequently, it is moved closer to the top of the menu for greater visibility. The filtering of the data allows it to be sorted and indexed for display to the user. The program data can be filtered into a new database containing program names and indexed by the number of times each program was purchased. The data can also be indexed by buy times and program categories.

Certain metrics are established to help in evaluating the data. Using the EIS or similar software, sales by menu placement, cost, category and lifespan can be pulled up for viewing in graphic presentation. The graphic presentation, in the form of line or bar graphs, help the packager recognize any trends in the data. For example, the first movie on a movie menu might not have sold as well as a second movie listed. A chart can be pulled up to reveal that the first movie has been at the top of the menu for two weeks and buy rates are naturally falling off. Steps can then be taken to move items in the menus to correct this, though many of these steps are automated in the menu creation system. Suggested changes can be displayed to help the user in this task.

The automated procedures create menus that are distinct between headends 208 because of demographic differences in the viewing audience. To help with this, a separate database of viewer demographics exists and is frequently updated. The headends 208 are able to alter the menu positions in order to further tailor the presentation, or to add

local shows. Any changes to the menus are sent back to the Operations Center 202 at the same time as the viewer data, in order to prevent erroneous data analysis. Menu changes at the cable headend are described in detail in co-pending patent application Ser. No. 08/160,280, filed Dec. 2, 1993, entitled Network Controller for a Cable Television System, filed by the same assignee.

Another use for the indexed data is creation of marketing reports. Programming changes are helped by accurate information on viewer preference. Also viewer purchasing trends, and regional interests can be tracked.

In the preferred embodiment, an Executive Information System (EIS) is used to give high level access to both "buy" (what the customer purchases) and "access" (when the product was viewed, how often and duration) data. The EIS represents information in both a graphical and summary report format. "Drill down" functions in the EIS help the packager derive the appropriate product (product refers to programs, events or services) mix.

The purpose of the EIS is to provide an on-line software tool that will allow for real-time evaluation of current product positioning. The design of the system consists of user friendly icons to guide the user through available functions. The functionality in the system provides general information on current programming sales status. By working through the tiers in the system, the user has access to more specific information. The system is designed to shield the user from a long learning curve and information overload.

The graphical tools allow for analysis of current data through the use of multiple graph types such as line graphs, bar and pie charts. These tools will allow the user to manipulate independent variables such as time (hour, day of the week, week, month), demographic information, program category information (genre, property, events), headend information and pricing information for determining the appropriate programming mix within the allotted time slots.

The system also allows the packager to derive expected monetary returns through program line-ups by integrating outside industry databases. For instance, the system could be used to determine expected returns from a particular program by correlating buy information from the existing programs in the line up with a viewer ratings service database to determine the outcome of programs within a particular genre not in the current line up.

Report tools within the EIS aggregate buy access at the highest level. Due to the volume of available information statistical analysis methods are used for deriving marketing intelligence within the EIS.

A yield management tool is incorporated within the EIS. The yield management tool encompasses operations research techniques, statistical methods and neural net technology to decide program mix as it pertains to program substitutes, program complements, time slice positioning, repetitions and menu positioning.

This system is automated to the extent of providing viable alternative as to the proposed product mix. The system encompasses a Monte Carlo simulation for developing alternative product mix scenarios. The system feeds from both internal data and external industry data sources to provide expected revenue projections for the different scenarios. Other software subroutines of the CAP will automatically call upon the EIS to assist the program in important decision making, such as menu configuration and transponder allocation. Human interaction is required to change marketing parameters for fine tuning the desired product scheduling.

Although the packaging of the program information and programs, including the creation of program control

information, program lineup and menu designing configuration, is conducted at the CAP 260, all other functions of the Operations Center 202 can be controlled by a second separate processing unit (shown in FIG. 5 at 270). This second processing unit 270 is the Delivery Control Processing Unit 270, and can perform the tasks of incorporating the program control information signal from the CAP 260, coordinating the receipt and combining of external program video/audio and internal video/audio and combining the signals as necessary for transmission. This distribution of functions among the CAP 260 and Delivery Control Processing Unit 270 allows for greater speed and ease of use.

FIG. 5 shows a more detailed diagram of the CAP 260 and the Delivery Control Processor Unit 270. Once external and stored digital and analog sources have been converted into a standard digital format 274, they are input into standard digital multiplex equipment 273 (of the type manufactured by Scientific Atlanta, General Instruments, and others). Additionally, the Program Control Information Signal 276 is input into the digital multiplex equipment 273. These inputs 274, 276 are multiplexed appropriately under the control of the Delivery Control Processor Unit 270 as commanded by the CPU 264. The Delivery Control Processor Unit 270 is also responsible for the generation of the Program Control Information Signal 276 based on information received from the CPU 264. The Delivery Control Processor Unit 270 allows for the off-loading of real-time and near real-time tasks from the CPU 264. The CPU 264, as described earlier, processes information within its database and provides user access to the CAP 260 via multiple user workstations 262. The high-speed digital output 278 from the digital multiplex equipment 273 is then sent on to the compression (if necessary), multiplexing, modulation and amplification hardware, represented at 279.

C. The Program Control Information Signal

The following table, TABLE A, is an example of some information that can be sent in the program control information signal to the set top terminals 220. The program control information signal generated by the Operations Center 202 provides data on the scheduling and description of programs via the network controller 214 or, in an alternate configuration, directly to the set top terminal 220 for display to the subscriber.

In the preferred embodiment, the program control information signal 276 is stored and modified by the network controller 214 and sent to the set top terminal 220 in the form of a set top terminal control information stream (STTCIS). This configuration accommodates differences in individual cable systems and possible differences in set top converter or terminal devices. The set top terminal 220 of the present invention integrates either the program control signal 276 or the STTCIS, together with data stored in the memory of the set top terminal 220, to generate on-screen menu displays for assisting the subscriber in choosing programs for viewing. Throughout the description the term "program control information" is being used to indicate control information coming from the cable headend 208 to the set top terminal 220, whether it is sent directly from the Operations Center 202, processed by the network controller 214, and then forwarded to the set top terminal as STTCIS, or transmitted over telephone lines.)

With further reference to TABLE A below, the types of information that can be sent via the program control signal include: number of program categories, names of program categories, what channels are assigned to a specific category (such as specialty channels), names of channels, names of

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programs on each channel, program start times, length of programs, description of programs, menu assignment for each program, pricing, whether there is a sample video clip for advertisement for the program, and any other program, menu or product information.

The goal of the menu driven program selection system of the present invention, described in greater detail in a co-pending U.S. Patent application entitled SET TOP TERMINAL FOR CABLE TELEVISION DELIVERY SYSTEM, Ser. No. 08/160,193, filed Dec. 2, 1993, owned by the assignee of the present invention and incorporated herein by reference, is to allow the subscriber to choose a program by touring through a series of menus utilizing a remote control 900 for cursor movement. The final choice in the series of menus will identify one particular channel and one time for activation of that channel. Armed with a channel and activation time the set top terminal 220 can display the selected program on the television for the viewer. To achieve this goal, an intelligent alpha-numeric code is assigned to each program. This alpha-numeric code identifies the category of the program, the menu in which the program should be displayed, its transmission time(s), and the position on the menu that the program should be displayed. In a preferred embodiment, the program control information, including menu codes, is sent continuously from the Operations Center 202 to the network controller 214, and ultimately to the set top terminal 220. For example, four hours worth of programming information can be sent via the program control information signal continuously in the format shown in TABLE A.

TABLE A

*Program name	*Program length	*Menu code	*Description	*Video
12 PM				
1 Cheers	.5	E24	C	N
2 Terminator	2.0	A33	Tx	S
3 PrimeTime	1.0	D14	N	N
4 Football Special	.5	B24	S	N
12:30 PM				
1 Simpsons	.5	E14 & C13	C	S
4 Football Game	3.0	B13	S	N

TABLE A shows the basic information that is needed by the set top terminal 220. The program descriptions shown are coded abbreviations. For example, C stands for comedy, N for news, S for sports, A for cartoons, and TX for text. If there is a textual description for a program, such as a movie, the description may be given following that program's coded description or may be communicated following the four hours of programming information. As is shown in the coded listing, program descriptions for programs greater than a half hour in length need not be repeated (each half hour). The video description code informs the set top terminal 220 whether there is still or live video available to advertise the program.

For example, a sporting program may be assigned a code of B35-010194-1600-3.25-Michigan St. vs. USC. The letter B would assign the program to category B, sports. The second alpha-numeric character number 3 would assign the program to the third menu of the sports category. The third character of the code, number 5, assigns the program to the fifth program slot on the third menu. The next six characters, 1/01/94, represent the date. The following four characters,

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1600 represent the start time which is followed by the length of the program and the program name. This entry represents a sports show, a college football game, which will be aired at 4:00 PM on New Years day 1994.

In the 12:30 Channel 1 entry of TABLE A, two menu codes are shown. By allowing two menu codes, programs that may fit under two different category descriptions may be shown in both menus to the subscriber. With this minimal amount of information being communicated to the set top terminal 220 on a regular basis, the terminal is able to determine the proper menu location for each program and the proper time and channel to activate for the subscriber after his menu selection. In the preferred embodiment, the menu codes are generated at the Operations Center 202.

Table B shows an example Events Table that may be downloaded to a set top terminal 220 using the Event Data file which contains information about events and pricing. As shown in the table, the three columns of the Events Table identify the field number, the field itself and the type of information downloaded in the Event Data file. The first column contains the field numbers 1 through 11. The middle column contains the corresponding field parameters, including the event type, event ID, global channel ID, price, start time, end time, start date, end date, P- icon, name and description. The third column contains corresponding field type information. As shown in this field type information typically consists of an unsigned integer; hours, minutes and seconds; months, day and year; and ASCII character identifier.

TABLE B

Field #	Field	Type
1	Event Type 1 = YCTV 2 = Pay-Per-View 3 = Reg. TV	Unsigned Int
2	Event ID	Unsigned Int
3	Global Channel ID	Unsigned Int
4	Price (in Cents)	Unsigned Int
5	Start Time	HH:MM:SS
6	End Time	HH:MM:SS
7	Start Date	MM/DD/YY
8	End Date	MM/DD/YY
9	P-Icon	ASCIIZ
10	Name	ASCIIZ
11	Description	ASCIIZ

Table C shows an example Event Data data file. In particular, Table C shows two data streams corresponding to two event types. The first data stream identifies a YCTV event in the first field. The second field designates the event ID, which is 1234 in this example. The third field includes the global channel ID number two. The fourth field indicates the cost of 50 cents for this event. The fifth and sixth fields indicate the respective start and end times of 3:00 a.m. to 3:00 p.m., respectively. The seventh and eighth fields show the corresponding start and end date, designated as 8/25/93 and 8/27/93, respectively. Field nine indicates the P icon set to a graphics file. Finally, fields ten and eleven indicate the name and description of the event selected, which in this case is Sesame Street™ and Barney™. The second data stream in the Event.Dat example shown in Table C includes analogous information for Terminator IV™, which is designated in field one as a pay-per-view event.

TABLE C

Event Data Example
1'1234'2'50'03:00:00'15:00:00'08/25/93'08/27/93'pbs.pcx'Sesame Street & Barney's Sesame Street and Barney Abstract
2'1234'2'50'20:00:00'22:00:00'08/25/93'08/25/93't4.pcx'Terminator
4'Terminator 4 Abstract

The program control information signal 276 and STTCIS can be formatted in a variety of ways and the on-screen menus can be produced in many different ways. For instance, if the program control information signal 276 carries no menu format information, the menu format for creating the menus can be fixed in ROM at the set top terminal 220. This method allows the program control signal 276 to carry less information but has the least flexibility since the menu formats cannot be changed without physically swapping the ROM holding the menu format information. In the preferred embodiment, the menu format information is stored at the set top terminal 220 in temporary memory either in a RAM or EPROM. This configuration provides the desired flexibility in the menu format while still limiting the amount of information needed to be communicated via the program control information signal 276. New menu format information would be sent via the program control information signal 276 or the STTCIS to the set top terminals 220 each time there was a change to a menu.

In the simplest embodiment, the menus remain fixed and only the text changes. Thus, the program control information signal 276 can be limited to primarily text and a text generator can be employed in the set top terminal 220. This simple embodiment keeps the cost of the set top terminal 220 low and limits the bandwidth necessary for the program control information. Another simple embodiment uses a separate channel full-time (large bandwidth) just for the menu information.

FIGS. 6a and 6b, particularly FIG. 6a, show a data format 920 at the bit-level for one embodiment of a program information signal 276. This frame format consists of six fields, namely: (1) a leading flag 922 at the beginning of the message, (2) an address field 924, (3) a subscriber region designation 926, (4) a set top terminal identifier 928 that includes a polling command/response (or P/F) bit 930, (5) an information field 932, and (6) a trailing flag 934 at the end of the message.

The eight-bit flag sequence that appears at the beginning 922 and end 927 of a frame is used to establish and maintain synchronization. Such a sequence typically consists of a "01111110" bit-stream. The address field 924 designates a 4-bit address for a given set top terminal 220. The subscriber region designation 926 is a 4-bit field that indicates the geographical region in which the subscriber's set top terminal 220 is housed. The set top terminal identifier 928 is a 16-bit field that uniquely identifies each set top terminal 220 with a 15-bit designation followed by an appended P/F bit 930. Although field size is provided by this example, a variety of sizes can be used with the present invention.

The P/F bit 930 is used to command a polling response 920' (FIG. 6b) from the set top terminal 220 addressed. The polling response 920' is substantially similar to the from format 920, and is commonly numbered, but with a prime (') designation appended for clarity. The frame format 920 also provides a variable-length information field 932 for other data transmissions, such as information on system updates. The frame format ends with an 8-bit flag 934 (or trailing flag) that is identical in format to the leading flag 922, as set

forth above. Other frame formats, such as MPEG, for example, will be apparent to one skilled in the art and can be easily adapted for use with the system.

D. Software Subroutines

The program control information signal 276 is produced substantially by the CAP CPU 264 and the Delivery Control Processor Unit (DCPU) 270. An overview of the software modules, focusing on the processing of signals and communication between CAP CPU 264 and DCPU 270 is shown in FIG. 7. The software modules for the CAP CPU 264 and DCPU 270 include dispatcher 484, processing 486 and communications 488, each of which performs like-named functions, as well as supporting database 490 access. Processing within the CAP CPU 264 is controlled by the dispatcher 484 software module which may generate processing commands based on user command (e.g., do something now), schedule events (e.g., do something at noon) or based on the occurrence of other events (e.g., do something when the database is updated). The dispatcher 484 sends messages to the processing software module 486 instructing it to process information within the database 490 and generate control information for the DCPU 270. For example, based on the updating of information associated with a particular headend 208, the dispatcher 484 may command the CAP CPU 264 to regenerate headend 208 parameters, perform any required database integrity checking and send them to the DCPU 270. Also, in the case of headend 208 information processing, a filtering function (not shown) is performed which eliminates any information that does not either directly or indirectly relate to a given headend 208. Information transfer between the CAP CPU 264 and the DCPU 270 is controlled by the DCPU communications software module 488.

Information received by the DCPU 270 from the CAP CPU 264 is processed at the DCPU processing module 496 and put into a form consistent with the DCPU 270. Some of this information is used for DCPU control, while most is data to be integrated into the program control information signal 261. Some of this information is also used for miscellaneous control 494 for such things as external multiplex equipment, source material generation hardware, transmission equipment and so on. Information destined for the program control information signal 261 may be transmitted once or may be scheduled for periodic transmission. This information is integrated by the processing module 496 with other information, both internal and external. The DCPU scheduler module 497 is responsible for scheduling and regulating this data traffic. Also, the scheduler 497 may perform information filtering. For example, imbedded date/time information within the information records of interest can be used for filtering. External pass-through control information 495 may also be incorporated into the program control information signal 261 to provide external input to this digital data stream. The DCPU multiplexer 498 is responsible for multiplexing external pass-through control information. Finally, a transmission software module 499 in conjunction with appropriate communications hardware (not shown), controls the output of both the program control information signal 261 and the miscellaneous control signals 494.

FIG. 8 is a high level diagram of CAP software subroutines and their interrelations. A Main Program (not shown) orchestrates the use of the various subroutines as needed to perform the CAP's tasks. The Packager Data Entry Interface (PDEI) 400, Marketing Information Interface (MII) 402, and Cable Franchise Information Access (CFIA) 404 subroutines perform the interface functions between the CAP Main

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Program and outside data or information. The remaining subroutines shown in the center column of FIG. 8 perform the processing and manipulations necessary to the functioning of the CAP 260.

The Packager Data Entry Interface (PDEI) 400 subroutine includes routines that enable the Packager to interactively enter program selections 410, start times of programs 412, price setting 414, transponder allocation 416, and menu editing 418. The PDEI subroutine 400 controls the keyboard and mouse data entry by the packager and runs in concert with the processing and editing subroutines described later.

The Marketing Information Interface (MII) 402 subroutine interfaces the processing and editing subroutines with marketing data. This interface regularly receives programs watched information from billing sites 420, cable headends 208, or set top terminals 220. In addition, other marketing information 422 such as the demographics of viewers during certain time periods may be received by the MII 402. The MII 402 also uses algorithms 424 to analyze the program watched information and marketing data 420, 422, and provides the analyzed information to the processing and editing subroutines. In the preferred embodiment, an Executive Information System (EIS) with a yield management subsystem is included in the MII subroutine as described above.

The Cable Franchise Information Access (CFIA) 404 subroutine receives information on cable franchises, as represented at block 426, such as the particular equipment used in a cable headend 208, the number of set top terminals 220 within a cable franchise, groupings of set top terminals 220 on concatenated cable systems 210, distribution of "high-end" cable subscribers, etc. The CFIA 404 generates a cable franchise control signal 428 which is integrated with the program control information 276 output to generate cable headend 208 specific information to be transmitted. The integration algorithm for accomplishing this resides within the Generator subroutine described herein below.

The process program line-up subroutine 430 uses information from the MII 404 and PDEI 400 to develop a program line-up. Importance weighting algorithms and best fit time algorithms are used to assign programs in time slots.

The process menu configurations subroutine 432 determines appropriate menu formats to be used and positions programs on menu screens. Information from the MII 404 and PDEI 400 are used to determine program positions on menus.

The menu display algorithms 434 displays menus as the menus would be seen by the viewer on a large CRT or color monitor.

The editing of menus subroutine 436 works with the menu display algorithm and PDEI 400 to allow the packager to edit menus on-the-fly during viewing of the menus.

The graphical transponder allocation display 438 sends information obtained from the CFIA 404 and PDEI 400 to create graphical displays enabling the packager to comprehend the allocation of transponder space across the entire television delivery system 200.

In a manner similar to the display and editing of menus represented at blocks 434, 436, the packager may utilize the editing transponder allocation subroutine 440 to interactively reallocate assignment of transponder space. In the preferred embodiment, the EIS with yield management may be used by the packager to assist in decisions on allocating transponder space.

The generator subroutine 442 creates the program control information signal for output. The Generator subroutine receives the cable franchise control signal and uses this signal to help create a custom signal for each cable headend 208.

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The Packaging Routine 448 obtains and packages the programs, along with the program control information signal 216, for transmission to the transponders.

With continued reference to FIGS. 7, 8 and 9, the general software flow of the operations center 202 is depicted. The flow can be broken up into modules that apply to parts of the database to allow viewing, editing, and adding records to the database. The software also accomplishes database integrity checking by restricting the user to enter only valid data, and by checking for conflicts.

FIG. 9 shows some of the software involved in the creation of programs, events and services. This creation occurs prior to or during the processing of the program line-up 430 shown in FIG. 8. With reference to FIG. 9, a first step is indicated generally at 461 and includes acquiring source materials for program production at the Operations Center 202 (e.g., tape production). Once the source materials are collected 460, and entered into the database "D", they can be used to create programs 462. These programs are made up of source 'cuts' from various video/audio source materials. Once the programs have been generated and entered into the database "D", events, collections of one or more programs, are created 464. Each event is then schedule onto a service 466, with the software checking for conflicts. Each service is given run times, and days, and checked for conflicts. Once the services and events have been created, the event names can be added to the menus 468. The programs for the events and services may be stored at the Operations Center (as shown in FIG. 11 at 286). Processing and manipulation of the events or records is depicted generally at 463.

The packager user interface (a portion of 463) for each of the creation modules works substantially identically to each of the other modules to make the interface easy to use and learn. The packager user interfaces forms a portion of the PDEI 400 shown on FIG. 8. The browse system 470 is entered first and allows viewing of records, and selection of specific records. The database can be 'populated' by selection of a button, which activates a populate screen. As represented at block 471, this allows details to be deleted, added or changed for events, programs, and sources. The browse screen also allows access to the edit screen 472, where fields in a selected record can be modified, with conflicts or errors, in scheduling for example, being checked continuously, as at 473 and 474.

In use, the Operations Center 202 of the present invention performs a variety of management functions which can be broken out into five primary areas: (1) cable headend 208 management, (2) program source management, (3) broadcast program management, (4) internal program storage and management, and (5) marketing, management and customer information. A relational database, such as that represented by FIG. 10, can be used to maintain the data associated with these areas.

Customer billing is not included in any of the above five areas for the Operations Center 202. Although billing can be handled by the Operations Center 202 (as shown in the database structure 508, 511), it is preferred that billing is handled at a remote location through traditional channels and methods (such as Cable TV billing provided by Telecorp corporation). Extracts of customer purchases will be provided to the Operations Center 202. These extracts of information will be formatted and correlated with customer demographics for marketing purposes by the Marketing Information Interface (MII) 402.

(1) Cable Headend Management

Management of the cable headend 208 includes the following activities: defining the cable headend site; profiling

the viewers; determining available set top equipment; defining the concatenated cable systems connected to the cable headend site. This information may be stored as cable franchise information within the Operations Center 202 database by the Cable Franchise Information Access routine 404. Such information can be compiled and maintained in a relational database (described below and shown as 328 in FIG. 11).

(2) Program Source Management

Source programs will be provided by a variety of networks. Information from the contractual records to the actual program tapes should be maintained and includes: tracking of property rights; tracking and profiling source tapes; profiling source providers. A relational database (such as "D" shown in FIG. 9) can be used, for example, that identifies and correlates programs sources. Programs may be received from various rights holders, and such a database would track the person or entity that owns the rights to each program at issue. Other data could be maintained relating to program cuts (a program cut is a portion of a program) that specifies, for example, the program from which the cut is taken. Information relating to time slot allocations, menu entries, and categories, and channel assignments are also maintained in the relational database.

Program services represents a purchasable time slice which is occupied by a type of programming. Each time slice has multiple time constraints. Using the purchasing of through time slices allows for great flexibility. An infinite number of program and time slice combinations are possible. Preferably, services are created using the software shown in FIG. 9, particularly the service creation routine 466. For a service to become available at a cable headend 208 site, it is mapped to the site. At the time of mapping the program service is assigned a program channel.

Program services are defined by the following fields:

Service ID

System generated unique ID

Description	Describes the service. The description will allow the packager to easily assign a service to a broadcast program.
Type	Defines the type of service. Current service types include YCTV™, Grid, Network and Other.
Network ID	Relevant for network services. (examples: ABC, NBC, DISC™)
Broadcast Event	Relevant for a YCTV™ service. Identifies the current YCTV™ broadcast event assigned to the service.
PICON File	Name of the picture icon (PICON) assigned to the service. This picon is displayed for example on the buy screen for a pay per view event.
Expiration Date	Expiration date of the service. Removes the service from the service selection list.
Day Start	Each service is a series of days within a week. This represents the starting day. (example: Monday)
Day Stop	Represents the last day in the interval.
Time Start	Within a day, the service has a time period. This field represents the start of the period.
Time Stop	Represents the end of the time period.
Required Tape	If stored tapes are required, the number of tapes required by the service.

(3) Broadcast Program Management

Broadcast program management is one focal point of the data management system. The issues of product, price, promotion and packaging are addressed at this level. Deci-

sions in these areas will affect the actual programming that will be shown to the viewers. Information on description of the content of each program event, program scheduling, broadcast program pricing, TV/set top information flow and information on how broadcast programs will be mapped to viewer channels should be included in the database. Preferably, the EIS system described below will access this data and assist in the Broadcast Program Management.

(4) Internal Program Management

Information on internally stored programs at the Operations Center 202 should also be maintained. This will allow the Operations Center 202 to assemble electronically stored programs, CD stored programs and program tapes, and ensure the quality of programs and location of programs.

(5) Marketing And Customer Information

Last, and important, marketing and customer information should be maintained. In order to effectively manage the operations, information is constantly needed on market conditions. Information is needed on the existence of markets for certain programs. The following type of information must be maintained in a Marketing and Customer Information data base: demographic profile of viewers, viewer buy information; correlation of demographic information with buy information, information rapid restructuring of program mix in response to data analysis. As a subscriber uses the system, this viewer information or viewer log data can be stored and maintained in relational database. The Marketing Information Interface 402 gathers the marketing information and indexes the information for inclusion in the Marketing and Customer Information database. An example of the type of information that is needed in this data base is a viewer profile.

The viewer profile data fields are an example of typical fields required in the databases. Definitions of various fields are listed below. The primary purpose of profiling the viewer is to acquire marketing information on the viewer's response to available selections. Ancillary information will be available including the actual program and channel selections of the viewer. Information tracked within the viewer's profile includes:

Viewer ID	A unique identifier generated by the system.
Set-Top Types	Boolean field which identifies the type of set top used.
Headend ID	Links the viewer to a particular cable site.
Site Assigned ID	Viewer ID assigned by the cable site.
Set-Top ID	ID of the viewer's set top.
Hookup Date	Date physical hardware is connected.
Survey Date	A demographic profile will be conducted on each user. The following fields represent this demographic information. The data represents when the interview survey was completed.
Viewers Age 2-5	Boolean field if the household has viewers between 2 and 5 years of age.
Viewers Age 6-11	Boolean field if the household has viewers between 6 and 11 years of age.
Viewers Age 12-17	Boolean field if the household has viewers between 12 and 17 years of age.
Tape Rental \$	Approximate amount spent on tape rentals on a monthly basis.

-continued

PPV \$	Household average pay-pre-view expenditures per month.
Income	Annual household income.
Zip Code	Self-explanatory.
Cable Tier	Level of cable service purchased.
Number of TV's	Self-Explanatory.
Years with Cable	Self-Explanatory.
Occupancy	Number of people in household.
Highest Education	Highest level of education of any member of the household.

The compilation of viewer demographic information has an impact on decisions based on marketing. The names of the heads of household are not used due to Privacy Act considerations. Completion of demographic data can be accomplished referencing the cable site assigned ID or the system generated ID. There are numerous variations to the field definitions listed above such as different age groupings.

To maintain the database at the Operations Center 202, a data base server, communications server, user work station or stations 262, or the suitable equivalent thereof, are needed. The database server performs the following functions: it is the repository for data base files, event logging, event scheduling (example, automated download of files to headends 208), multi-user services, data base server services, and data base security access.

The communications server performs the following functions on data base data: integrity check, filtering, processing, downloading to headends 208, uploading from headends 208, and uploading from remote location.

User work stations 262 perform the following tasks: creation, deletion and access of all database data, system administration and report generation. Database manipulations are performed through the user workstations or remotely. The database structure is designed to support multiple users performing multiple tasks simultaneously. The preferred embodiment includes a network of user workstations 262. The workstations 262, through user interface software, access data within database files on the database server.

For example, once the appropriate database data has been generated for downloading to a cable headend 208, the communications server is instructed to perform the download. Although this may be done manually at the communications server, it is preferred that the communications server automatically send information to the cable headends 208. The communications server retrieves required data from the database server, filters out any data not associated with the specified headend 208, and performs data integrity checks, creates data files to be downloaded and then downloads the data file via modem (or other means such as the DCPU 270). While the communication server is connected with the headend 208, it also requests any data that the headend might be holding for the Operations Center 202. This may consist of cable headend 208 event log information, set top billing and viewer log data on programs watched, etc.

The communications server may also assist in retrieving information from other remote sites such as remote billing and statistic sites. For example, if a location is being used for billing purposes, the communications server may retrieve viewer log data. Also, the communications server may retrieve billing and viewer log data from actual set top converters in the field. Once the data is retrieved it is sent to the database server. Thus, in the preferred embodiment the communications server will support incoming information via modem or otherwise.

The basic database structure at the Operations Center 202 consists of multiple tables. Database data tables contain one or more data records, each with multiple fields. Each field contains a piece of data about the particular record. This data may be general information, such as a numeric value, date or text string, or it may be a reference to another database record relating one piece of data to another. Database index files contain information about associated data files to allow for improved data retrieval. The database index file makes retrieval of information much quicker.

In an alternative embodiment where some television programming begins with the procurement of source material in the form of tapes or CDs, additional data about the tapes or CDs may be stored in the Operations Center database. Each tape or CD may have a database record associated with it, source tape data file. Each tape may contain multiple cuts of which each cut has an associated record in a source tape detailed data file. Additionally, a company data file may contain individual records for the rights of the holders of the source tapes as well as company information about cable headends 208. In this alternative embodiment with tapes, programs may be created from multiple tapes using multiple tape source cuts. The programs created by these source cuts may be stored and the individual cuts that make up the programs may be stored in a database record called "program tape detail." Events may be created that consist of more than one program and details on individual programs that make up these events may be stored in a database file called "event detail." Using this embodiment, events may be sold to subscribers.

FIG. 10 and the description below is a more complete example of a database structure that can be used with the present invention. Each database file is listed below along with a description, record field details and explanation of relationships. The software data structures are defined after the description of the database structure.

The SCHEDULE Database file 501 contains scheduling data for a single day. There are many schedule files, one for each day of schedule information. The actual filename for a given days schedule is assigned under computer control. Schedules are broken up into single days so they may be easily created, dispatched and archived. A cross-reference of days to computer generated filenames is kept. Each scheduled event (either a program or a preview) has its own record entry and unique schedule ID. This record references the corresponding scheduled program or preview and program type (either program or preview). The service to carry the scheduled program is also referenced. The starting date and time is also specified. Program duration is stored as a program attribute and is not included here. Note that program, preview and service records must be provisioned before they may be referenced in a schedule record.

Another SCHEDULE Database file 500 contains a cross-reference of starting dates data to computer generated filenames.

The PROGRAM Database file 502 contains Program records are contained in another database file 502, with each record representing a source program. Each program has a unique program ID. If the program has a corresponding preview, it is also referenced. Program category and price are also referenced. The structure of the program category database may be modified if multiple categories per program are desired. Program name, description and duration are also given. Note that preview, program category and price category records must be provisioned before they may be referenced in a program record.

The SERVICE Database file 503 contains service records with each record representing an available service. A service

may be thought of as a virtual video channel. Virtual channels are non-existent channels which are mapped or created by hardware and software and is described in co-pending patent application Ser. No. 08/160,194, filed Dec. 2, 1998, entitled ADVANCED SET TOP TERMINAL FOR A CABLE TELEVISION DELIVERY SYSTEM, incorporated herein by reference. Services are then mapped into local headend channels. Since initial distribution of video source material may be by "Federal Express" instead of a video channel, a service ID is used to identify the virtual channel being used for the desired service. "60 Minutes" could be distributed and then be mapped into any desired local headend channel. The service database exists at both the national site and at each local headend 208. Every service has a name, call letters and a description of the service. Every service also has an assigned local channel, "A" tape (or CD) machine ID and "B" tape (or CD) machine ID. Note that these last three parameters only apply to the service databases at the local headends 208. The local headend service database performs an equivalent function of a "channel map." For a further description of the cable headend function, see co-pending patent application Ser. No. 08/160,280, filed Dec. 2, 1993, entitled NETWORK CONTROLLER FOR A CABLE TELEVISION DELIVERY SYSTEM, filed by the same assignee.

The PREVIEW Database file 504 contains preview records with each record representing a source preview. A preview is like a program that is scheduled and distributed over a service. It differs from a program in that multiple previews may be distributed over the same service at the same time. Also, previews are free. Each preview specifies its location on the TV screen. This is generally done by selecting from a menu of valid screen positions. Unlike programs, previews do not reference program and price categories or other previews.

The PROGRAM CATEGORY Database file 505 contains program category records with each record representing a valid program category. Examples of program categories are movies, sports, educational and news. Multiple program categories per program may be accommodated if desired with simple changes to the database structure.

The PRICE CATEGORY Database file 506 contains price category records with each record representing a valid price category. Price categories are used to provide pricing consistency throughout the system. It also provides flexibility at the headend 208 to price various categories differently should this be desired. For example, distributed movies may be assigned the price category "movie" at the national site. Each headend 208 could then charge differing amounts for their movies by manipulating their local price category database. If a current price structure needed to be changed, the change would be made once in the price category database instead of in each program record.

The EVENT LOG Database file 510 contains event data for a single day. There are many event files, one for each day of event information. The actual filename for a given days events is assigned under computer control. Events are broken up into single days so they may be easily archived. A cross-reference of days to computer generated filenames is kept.

Each event record contains a unique ID, an event code, ID of the process that generated the event and date/time stamp of the event.

The EVENT LOG FILENAME Database file 507 contains a cross-reference of start date to computer generated filenames.

The VIEWER LOG Database file 512 contains viewer log data for a single day. There are many viewer log files, one

for each day of viewer log information. The actual filename for a given days viewer log data is assigned under computer control. Viewer log data is broken up into single days so it may be easily archived. A cross-reference of days to computer generated filenames is kept.

Each event record contains a unique ID, an event code, ID of the process that generated the event and date/time stamp of the event. The Marketing Information Interface 402 accesses the VIEWER LOG Database file as necessary to retrieve "program watched" information 420.

The VIEWER LOG FILENAME Database file 509 contains a cross-reference of date to computer generated filenames.

The BILLING Database file 511 contains billing data for a single day. There are many billing files, one for each day of billing information. The actual filename for a given days billing data is assigned under computer control. Billing data is broken up into single days so it may be easily archived. A cross-reference of days to computer generated filenames is kept.

Each event record contains a unique ID, an event code, ID of the process that generated the event and date/time stamp of the event.

The BILLING FILENAME Database file 508 contains a cross-reference of start date to computer generated filenames.

The NEWS FILENAME Database file 509 contains a cross-reference of date to computer generated filenames.

The SET TOP Database file 517 contains set top converter records with each record representing a unique set top converter. Each set top is assigned to a headend 208. Set-top type, software version and serial number is also stored. Note that headend records must be provisioned before they may be referenced in a set top record.

The HEAD END Database file 518 contains headend records with each record containing headend 208 data specific to a single headend 208. Each headend 208 has a name, contact name, address, phone number, modem information, time zone (relative to GMT) and daylight savings time flag. This information may be stored in a separate database file called Cable Franchise Configuration (shown as 328 in FIG. 11).

The NATIONAL Database file 515 contains a single record containing national site information. This includes site name, contact, modem information, time zone and daylight savings time flag.

The CUSTOMER Database file 516 contains customer records with each record containing customer data specific to a single customer. This includes personal information (name, address, phone number, . . .) and assigned set top converter.

The TAPE MACHINE Database file 519 contains video tape or CD machine information. Each machine is assigned a unique ID, its control port address, its A/B switch address (if present), its assigned service and an A/B assignment. This database is only located at the headends 208.

The MESSAGE Database file 514 contains available system messages. They are detailed in nature and are pre-programmed. Each message has an associated function. To schedule a desired function, the appropriate message is referenced in the scheduler task list.

The TASK Database file 513 contains scheduled tasks to be performed periodically. It is used in conjunction with a scheduler process to control computer system functions such as data dispatch and retrieval, archival and database maintenance. Each task is assigned a unique ID, start time, stop time, period in minutes) and task type (single, periodic,

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round-robin). Functions are actually scheduled by scheduling the appropriate message to be sent to the appropriate process. Available messages are kept in a separate database. Note that these messages must be provisioned before they may be referenced in a task record.

E. System Operations

FIG. 11 shows the basic operations that must occur in order for the packaged signal to be sent to the satellite 206. External digital 280 and analog signals 282 must be received from television programming sources and converted to a standard digital format by a converter 284, as described above. Also within the Operations Center 202, stored programs 286 must be accessed using banks of looping tape machines or other video storage/retrieval devices, either analog or digital, and converted to a standard digital format by the converter 284 prior to use by the CAP 260.

The programmer or program packager utilizing the CAP 260 must input a variety of information, including program information, in order to allow the CAP 260 to perform its function of generating program control information and packaging programs. Some of the information required by the CAP 260 are the date, time slots and program categories desired by the television programmer.

The CAP 260 system includes one or more CPUs and one or more programmer/packager consoles, together identified in FIG. 4 as workstations 262. In the preferred embodiment, each packager console includes one or more CRT screens, a keyboard, a mouse (or cursor movement), and standard video editing equipment. In large Operations Centers 202, multiple packager consoles 262 may be needed for the CAP 260.

As shown in FIG. 12, the first step in the operation of the CAP 260 is selecting the type of programming 300 which will be packaged. Basically there are six broad categories in which most television programming can be classified: static programming 302, interactive services 304, pay per view 306, live sports specials 308, mini pays 310, and data services 312. Static programs are programs which will show repetitively over a period of time such as a day or week. Static programs include movies showing repetitively on movie channels, children's programs, documentaries, news, entertainment. Program services, with defined start and end time periods, behave like static programs and may be handled in a similar manner.

Interactive services 304 typically include interactive programs using the Vertical Blanking Interval (VBI) or other data streams synchronized with the programming to communicate interactive features (such as those used in education), and games. Using this feature, interactive home shopping programs are possible. Pay per view 306 are programs which are individually ordered by the subscriber. After ordering, the subscriber is authorized to access the program for a limited time, (e.g. three hours, two days, etc.). Live sports specials are live events usually related to sports which subscribers are unlikely to watch on taped delay.

Mini pays 310 are channels to which existing set top converter boxes (not shown) and the set top terminals 220 of the present invention may subscribe. The subscriptions for mini pays 310 may be daily, weekly, or monthly. An example would be the Science Fiction channel. Data services 312 are services in which information is interactively presented to the subscriber using a modem or other high rate of speed data transfer. Some examples are Prodigy, services for airline reservations, and TV guide services (e.g. TV Guide X*PRESS™, InSight™, etc.). Data could also include classified or other forms of advertising.

The packager begins the CAP processing using the Packager Data Entry Interface Software 400 and a workstation

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262. After selecting the type of programming, the packager must identify a pool of programs (within a category) to be packaged. The next CAP step varies for different program categories. For the category of live sports 308, additional program interstitial elements 314 such as promos and other sports news may be added before further processing. For the live sports 308, static (or program service) 302, interactive services 304 and pay per view 306 categories, the next CAP 260 step is for one television program to be selected 316.

10 This is followed by each program individually being assigned dates to be played, a start date (for continuous play) and start times 318. Many dates and start times may be assigned to any given program. Using this methodology, programs may be purchased by viewers in time slices (e.g., one week). The program information for these categories may then be processed for allocation of transponder space and setting of prices, as indicated at blocks 320, 322, respectively.

Mini pays 310 and data services 312 require less processing by the CAP 260. After identifying the mini pays 310, the CAP 260 may proceed to allocation of transponder space and pricing, block 320, for the mini pays 310. Data services in the preferred embodiment generally do not require allocation of transponder space and generally do not require price setting. The information for data services 312 may be directly processed for menu configuration, block 324. In alternate embodiments, the data services 312 may be processed through these portions of the CAP 260 program.

The CAP 260 uses an interactive algorithm 416 to allocate 30 transponder space 320 and set prices 322. The factors weighed by the algorithm are: 1. buy rates of the program, 2. margin of profit on the program, 3. length of the program, 4. any contractual requirement which overrides other factors (such as requirement to run a specific football game live in its entirety). The information on buy rates of the program may be obtained by the Marketing Information Interface 400 from a Central Statistical and Billing Site, a Regional Statistical and Billing Site, the cable headend 208 or directly from the set top terminals 220 as will be described later. The CAP 260 must consider the priority levels of programming (e.g., FIG. 16) when allocating transponder space. Particularly, as in the preferred embodiment, transponders are assigned to three specific priority levels. The CAP may automatically (without packager intervention) access the MII 400 and the EIS to obtain necessary decision making information on transponder allocation.

Following transponder allocation and price setting 320, 322, respectively, the CAP 260 proceeds to menu configuration 324. The positioning of programs within the menu configuration 324 can have an effect on subscriber buy rates for the program. (The processing of menu configurations 432 is also described in reference to FIG. 8.) Therefore, an algorithm accounting for either a manually assigned program importance or a calculated weight of the program importance is used to determine each programs position within the menu scheme. For instance, a popular program with a high profit margin may be assigned a high weight of importance and shown in a prominent place in the menu scheme. Alternatively, a high profit program with sagging sales may be manually assigned a prominent place in the program schedule to increase sales.

After a series of entries by the programmer/packager at the Operations Center 202, the CAP 260 displays draft menus 434 or schedules (including priority levels) for programming. The packager may now manipulate the menus and schedules and make changes as necessary 436. After each change, the packager may again display the menus or

schedules and determine if any more changes are necessary 436. The packager may use the Executive Information System with yield management as described below to assist in editing the menus and schedules. When the packager is satisfied with the menu configuration 324 and scheduling of television programs, the packager may then instruct the CAP 260 to complete the process.

E. 1. Menu Structure

The series of menus shown in FIG. 22 is the normal or standard format for a variety of alternative embodiments to the present invention. An introductory screen upon power up that contains important messages, followed by a home menu 1010 with major programming categories is the basis upon which many alternative embodiments of the menu driven selection process can be built.

Skipping a sequence or level of the menu structure is possible and perhaps desired in certain instances. In simple alternate embodiments it is possible to combine the home menu 1010 and introductory menu 1000 into one menu that performs both functions. It will be obvious to one skilled in the art that the specific functions of the Home menu 1010 and Introductory menu 1000 may be exchanged or shared in a number of ways. It is also possible to allow a user to skip directly from the introductory menu 1000 to a submenu 1050. This can be accomplished most easily with a separate direct access remote control 900 button. Generally, a subscriber will access a television program through execution of a submenu 1050.

The During program menus 1200 are enacted by the set top terminal 220 only after the subscriber has selected a television program. These menus provide the subscriber with additional functionality and/or additional information while he is viewing a selected program. The During program menus 1200 sequence can be further subdivided into at least two types of menus, Hidden Menus 1380 and Program Overlay Menus 1390.

To avoid disturbing a subscriber during viewing of a program, the Hidden Menus 1380 are not shown to the subscriber but instead "reside" at the set top terminal 220 microprocessor. The Hidden Menus 1380 do not effect the selected program audio. The microprocessor awaits a button entry either from the remote 900 or set top terminal 220 buttons before executing or displaying any Hidden Menu options. The Hidden Menus 1380 provide the subscriber with additional functions such as entering an interactive mode or escaping from a selected program.

Program Overlay Menus 1390 are similar to Hidden Menus 1380 in that they occur during a program. However, the Program Overlay Menus 1390 are overlayed onto portions of the television screen and not hidden. The Program Overlay Menus 1390 allow the subscriber to continue to watch the selected television program with audio but place additional information on portions of the television screen. Most overlays cover small portions of the screen allowing the subscriber to continue to comfortably view his program selection. Other Overlays which are by their nature more important than the program being viewed will overlay onto greater portions of the screen. In the preferred embodiment, some Program Overlay Menus 1390 reduce or scale down the entire programs video screen and redirect the video to a portion of the screen.

All menu entries may be made either from buttons available on the top cover of the set top terminal 220 or from the remote 900.

FIG. 23a shows the preferred embodiment for subscriber selection of television programming. FIG. 23b shows additional major menu 1020 categories, 1042, 1044, 1046, 1048,

which may used with the invention. Again, the introductory menu 1000 followed by the home menu 1010 is the preferred sequence of on-screen displays. In the preferred embodiment shown in 23a, the home menu 1010 provides a choice of ten major menus 1022, 1024, 1026, 1028, 1030, 1032, 1034, 1036, 1038, 1040. Upon selection of a major menu 1020 category from the home menu 1010, the program proceeds to a major menu 1020 offering further viewer selections. Each major menu 1020 is customized to target the expected viewership. Depending on the number of available program choices the major menus 1020 either breakdown the major category into sub-categories or provide the subscriber with access to further information on a particular program.

For example, the major menu 1020 for children's programming provides a list of subcategories 1052 from which the subscriber selects. Upon selection of a subcategory a submenu 1054, 1056 listing program choices within that sub-category is shown to the subscriber. Upon selection of a particular programming choice within the first submenu 1050, the subscriber is then provided with a second submenu 1058 describing the program that the subscriber has selected. From this menu, the subscriber may now confirm his program choice and receive a confirmation submenu 1060 from the set top terminal 220 software.

Since the system utilizes digital signals in compressed format, High Definition Television programming can also be accommodated through the menu system. In addition, since the set top terminal 220 has two way communication with the cable headend, interactive television programming is possible, with return signals generated by the set top terminal 220. Similarly, the system can support "movies on demand" where a subscriber communicates through the set top terminal 220 with an automated facility to order movies stored at the facility.

Using this on-screen menu approach to program selection, there is nearly an unlimited number of menus that can be shown to the subscriber. The memory capability of the set top terminal 220 and the quantity of information that is sent via the program control information signal are the only limits on the number of menus and amount of information that can be displayed to the subscriber. The approach of using a series of menus in a simple tree sequence is both easy for the subscriber to use and simply implemented by the set top terminal 220 and remote control device 900 with cursor movement. A user interface software programmer will find many obvious variations from the preferred embodiment shown.

FIGS. 24a and 24b show examples of introductory menu screens that are displayed on the subscriber's television. FIG. 24a, the preferred embodiment, welcomes the subscriber to the cable system and offers the subscriber three options. The subscriber may choose regular cable television (channels 2 through 39), programs on demand (e.g., movies), or instructions on the use of the remote control 900. Other basic program options are possible on the introductory menu screen 1000. For example, instead of, or in addition to, the remote control 900 instructions, a system "help" feature can be offered on the introductory menu 1000.

FIG. 24b shows an alternate embodiment for the introductory menu screen 1000. In the upper left-hand corner of the menu, there is a small window 1002 that may be customized to the subscriber. A subscriber will be given the option of showing the current time in this window. In the upper right-hand corner a second customized window 1004 is available in which a subscriber may show the day and date. These windows may be easily customized for subscrib-

ers to show military time, European date, phase of the moon, quote of the day, or other informational messages. These windows may be customized by subscribers using on-screen menu displays following the introductory menu 1000.

In the preferred embodiment, the subscriber is given the capability of accessing base channels such as regular broadcast TV and standard cable channels directly from the introductory menu 1000 by entering the channel number. The subscriber is also given the capability of directly accessing his account with the cable company. Further, in the preferred embodiment, the subscriber may directly access a major menu 1020 and bypass the home menu screen 1010. If the subscriber is familiar with the programming choices available on the major menus 1020, he may select an icon button 960, or a lettered key (alpha key) from his remote control 900 and directly access the desired major menu 1020. If any key entry other than those expected by the set top terminal 220 software program is made, the home menu 1010 is placed on the television screen. In addition, after a period of time if no selections are made from the introductory menu 1000, the program may default to the home menu screen 1010.

FIGS. 25a, 25b, 25c, and 25d are examples of home menus 1010 that may be used in the set top terminal 220 software. FIGS. 25a-25d all employ multiple window techniques to make the menu user friendly and offer a significant number of choices. It is preferred that a channel line up and the major menu 1020 categories both appear on the home menu 1010.

FIG. 25a, the preferred home menu 1010 embodiment, displays both the standard channel line up and the programming on demand icons for selection by the subscriber. FIG. 25a also shows various levels of subscription programming, including a "Basic" cable package and a "Basic Plus" package. Each of the choices of subscription programming preferably is assigned a different color. This increases the user friendliness of the present invention.

In FIGS. 25b-25d, the left half of the screen is used to list the channel number and network abbreviation of the most popularly watched networks. The right half of the screen offers access to a variety of major menus 1020 listed by category names.

FIG. 25b shows an embodiment in which only eight major menus 1020 are utilized. By pressing the alpha-numeric or icon key 960 corresponding to the category of programs the subscriber desires, the appropriate major menu 1020 is accessed. In addition, the subscriber may employ an on-screen cursor to select any option shown in the menu. To move the cursor, the subscriber may use either the cursor movement keys on the remote control 900 or similar keys located at the top of the set top terminal 220.

FIG. 25c shows how additional major menus 1020 can be displayed on the home menu screen 1010. When there is no longer room available for additional major menu 1020 choices on the home screen, the subscriber may access a second screen of the home menu 1010. For example, in FIG. 25c, if additional major menus 1020 "J" through "Z" existed, the subscriber would access those menus by highlighting and selecting the J through Z menu option (or press the J-Z on his remote 900). After selecting J through Z, the second or extended home menu screen 1010 would appear on a subscriber's television set. This menu would then list options J through Z separately by name. Theoretically, the home menu 1010 may have many extended home menu screens. However, any more than a few extended home menu screens would confuse the average subscriber.

The home menu 1010 of FIG. 25d adds an additional feature at the bottom of the television screen 1011. This

option allows a subscriber to see only those program selections that are available on broadcast television. FIGS. 25a-d are but a few of the numerous variations available for the home menu 1010.

Additionally, as shown in FIG. 26, in an alternate embodiment, the home menu 1010 (or menu which would normally follow the introductory menu 1000) can be simply the standard cable channel line-up. Offering the standard cable line-up on a separate menu may make selection easier for viewers with small television screens.

FIGS. 27a and 27b are examples of major menus 1020. In particular, FIGS. 27a and 27b show a major menu 1040 whose category is hit movies.

The hit movie category is a list of recently released movies which have been found to be popular among movie goers. This movie list is changed once or twice a week to keep in line with new movie releases. Again, multi-window and customized window techniques are utilized to make the menu as user friendly as possible.

FIG. 27a shows the preferred embodiment of the hit movies menu 1040. The hit movies menu icon along with the hit movies category letter A are displayed. The current date and time are displayed at the top of the screen over a menu background. Ten movie selections are displayed in the center of the screen 1009, each in a box which may be highlighted when selected. In the lower left part of the screen, a logo window 1512 is available as well as two other option choices 1011, Movie Library and Return to Cable TV. In an alternate embodiment, the return to Cable TV option is changed to return to the Home menu 1010 (or return to other viewing choices).

In FIG. 27b, the left upper window 1002 displays current time and the right upper window 1004 displays a message. This menu provides a list of eight movie titles and their rating 1009. If the subscriber desires further information on any particular movie he may select a movie using the cursor movement buttons and press the "go" button on the remote control 900 or set top terminal 220 box.

It is important in creating user friendly interfaces that the menus are consistent and follow a pattern. A manner of making the menus is discussed below with respect to FIGS. 55 and 56. This consistency or pattern between the different menus provides a level of comfort to the subscriber when encountering new menus. In the major menu 1020 example of FIG. 27a, the upper sash 1502 and lower sash 1504 remain consistent throughout menus in the preferred embodiment. The logos 1508, icons 1510 and titles also remain consistent in the same locations.

In the major menu 1020 example of FIG. 27b, the customized windows 1002, 1004 in the upper corners remain constant from menu to menu. Also, the name of the menu and category are at the top and center of the menu screen 1039. To make the menu aesthetically pleasing, the instructions are given across the center of the screen and choices in large legible type are provided. Additionally, at the bottom of most menu screens 1011, the subscriber is given the option of returning to regular TV or returning to the home menu 1010.

FIGS. 27c-27g show alternative embodiments of major menus 1020 for the home menu shown in FIG. 25a. FIGS. 27c-27g show various major menus directed to the type of subscription services available (basic service 1420, basic plus 1422, economy package 1424, ala carte and premium channels 1426). These menus also provide promotional or advertising information, for example, the cost for the particular subscription service. FIG. 27g shows a major menu for the Learning Channel 1428, one of the individual channels shown in the home menu of FIG. 25a.

These menus may be grouped in similar colors or shades of colors. For example, the basic subscription service could have a light pink color. As the subscription services increase in terms of the number of channels available, the color shading may increase correspondingly. Therefore, the premium subscription service (ala carte service) would have a dark red color, contrasting with the light pink color of the basic subscription service.

In FIG. 27b, the movie titled Terminator Four is highlighted, signifying that the subscriber has chosen this program option from the hit movie major menu. FIGS. 28a and 28b show submenus 1050 which would follow the selection of Terminator Four on the hit movie major menu. In FIG. 28a, the sash across the top of the screen 1502 remains constant from major menu 1020 to program description submenu 1050. Again in FIG. 28b, for the comfort of the subscriber, the left upper window 1002 remains the same and shows the current time. The upper right-hand corner 1004 carries a message stating the next start time for the movie selected.

E. 2. Notification

FIGS. 29a and 29b are notification submenus informing the user that his program selection is about to begin (e.g., counting down until start time). Using this submenu, the set top terminal 220 warns the user prior to switching him away from the channel he is viewing to a prior selected program channel. This notification submenu is provided to the subscriber approximately one or more minutes before the set top terminal 220 changes the viewing channel.

Both notification submenu examples allow the subscriber to cancel his movie order. In FIG. 29a, the subscriber is notified in the center of the screen that he may cancel within the first five minutes. In FIG. 29b the subscriber may press escape to cancel his order without charge. The notification submenu of FIG. 29b informs the user of the start time at the upper right portion of the screen.

The notification submenu of FIG. 29b is a simple three-window menu. A strip window at the top of the screen 1103 notifies the subscriber of the movie selected and the amount of time before the movie will begin. The center window is a large video window 1556 for displaying a scene from the movie. At the bottom of the screen the submenu carries another strip menu 1105 which informs the user that he may escape from his program selection without charge.

Using a notification submenu 1127, the set top terminal 220 may allow a subscriber to view other programs prior to his movie start time. The subscriber is amply notified of the start time of his program and effortlessly moved to the correct channel to view his selected program. This notification-type submenu may be used to move a subscriber from his current channel to a preselected channel for viewing a program which has been ordered at an earlier time. In the preferred embodiment, the amount of time provided by the notification submenu may be customized by the subscriber to a length of his preference. The notification submenu also allows a subscriber to cancel or escape from his previously selected program choice and avoid any charges. If a subscriber cancels or escapes he is returned to the channel that he is currently watching.

E. 3. Escape Time Expired

As shown in FIG. 30a, in the preferred embodiment, the subscriber is given a During Program Menu, specifically an Overlay menu 1130 to inform him when his five minutes of movie escape time have expired. Once the time has expired the subscriber will be billed for the movie selection.

E. 4. Escape after Charged

FIG. 30b is an overlay menu 1133 warning the user that he is escaping a program after being charged for the order of

that program. The warning overlay menu 1133 of FIG. 30b follows in sequence and is prompted by a hidden menu which constantly monitors for subscriber input during viewing of the program. The hit movie hidden menu (not shown) specifically waits for certain key entries by the subscriber. In particular, the hit movie hidden menu awaits for a key stroke such as escape, cancel or an icon selection. If the escape button is depressed during the viewing of a hit movie the overlay menu of FIG. 30a or FIG. 30b will be shown. A strip menu in the lower sash of FIG. 30b allows the subscriber to resume full screen viewing of the hit movie.

FIG. 30b is a representative example of an overlay menu 1133. It has a dark lower background sash and a light colored informational sash. The upper portion of the screen continues to display the video of the program selected. FIG. 30c is a reentry to ordered selection submenu 1135 for the hit movie category. The reentry to ordered selection submenus appear whenever a subscriber selects a programming option (program, event, or subscription channel), that the subscriber has already ordered. This menu has a program title window with a text title entry, and a description of the order that has already been placed for the program (or channel). In the preferred embodiment, the submenus which allow reentry to ordered selection provide the subscriber with the added option of joining the program within any fifteen minute interval. This special feature of the preferred embodiment allows a subscriber who has viewed one-half of a particular program to rejoin the program at the half-way point. In this manner, the program delivery system mimics a VCR tape recording of the program. For example, if a subscriber had rented a videotape of the movie Terminator 4 and had watched thirty minutes of the movie, he would have left his videotape in the thirty minute position.

E. 5. Reenter Program

With the menu of FIG. 30c a subscriber to the system who has watched thirty minutes of Terminator 4 may reenter the Terminator movie at the thirty-one to forty-five minute interval as shown in FIG. 30c. The nine-fifteen minute blocks of the menu display blocks are representative of the choices available for a two-hour hit movie. Other variations are possible depending on the length of the movie and the timing intervals desired.

E. 6. HDTV Promotion

FIGS. 31a and 3b relate to HDTV. FIG. 31a is an example of a menu 1032 advertising a new feature of the system. Promotional menus, such as FIG. 3a, may be dispersed throughout the menu driven program selection system. This particular menu describes the HDTV feature and explains its unavailability until a future date. FIG. 31b shows the integration of HDTV services into the menu driven program delivery system. If the subscriber selects the major menu for HDTV, he will either receive a description of the service with a suggestion to order the system, or a text note that he is a current subscriber and a listing of the currently available program selections in HDTV 1232. If the subscriber has not paid to join the particular service, HDTV, he may be allowed to join one of the programs in progress for a limited time as a demo to entice the subscriber to order.

If the subscriber has paid his HDTV fees, a subscriber proceeds as he would in any other major menu screen.

This particular major menu shows an example of how a follow-on or second screen may exist for the same menu. In this particular case, a second screen exists for the major menu HDTV 1032. The subscriber may access the second screen 1232 by selecting the last menu display block in the lower part of the screen "Other HDTV Selections". Following this selection, the subscriber will be given a second

screen of program selections. In this manner, any menu can have multiple screens with many program choices. This type of screen pagination on one menu allows the packager to avoid categorizing program selections within that same menu. In an alternative embodiment, the options available to the subscriber may be scrolled on one menu screen with the text within the menu display blocks changing as the subscriber scrolls up or scrolls down.

E. 7. Programs Available

In the preferred embodiment, TV guide services, listing programs available on network schedules, will be available on a major menu, as shown in FIG. 32a. In the preferred embodiment, the major TV guide menu 1036 would offer submenus, such as network schedules for the next seven days, today's network schedules for the next six hours, and TV guide picks for the next seven days. If the particular set top terminal 220 has been subscribed to the TV guide service, the subscriber may proceed to a submenu showing schedules of programs. If the subscriber chooses the network schedule submenu 1236, he is offered a list of network schedules to choose from as shown in FIG. 32b. If a subscriber were to choose, for instance, HBO, the submenu 1238 shown in FIG. 32c would appear. This submenu allows a subscriber to choose the program date that interests him. Following selection of a date, the subscriber is shown a more specific submenu 1242 listing programs available on the particular date as shown in 32d.

Following a program choice, a program description submenu 1244 is placed on the television screen as shown in FIG. 32e. In addition, from this program description submenu, the viewer may choose to record the selected program on his VCR using the guide record feature. If the guide record feature is chosen, the guide record submenu 1248 shown in FIG. 32f provides the subscriber with further instructions. In order for the set top terminal 220 to perform the guide record functions and operate the VCR, control signals must be sent from the set top terminal 220 to the VCR via the video connection 650 or via a separate connection between the set top terminal 220 and the VCR. The VCR must be capable of interpreting these control signals from the set top terminal 220 and performing the desired function (such as, activating the record feature). In the preferred embodiment, the VCR control signals are sent with the video signal and output from the output 650, as described above.

FIGS. 32g and 32h refer to the broadcast TV menu option available in FIG. 23b. FIG. 32g is a major menu 1046 displaying subcategories of programs available on a group of channels called generically "broadcast TV." For each subcategory there is a separate submenu listing programs that are available in the particular subcategory on a group of channels called broadcast TV.

By using the broadcast TV menu, the subscriber does not need a written guide of available television programming on the major networks. Although the preferred embodiment categorizes television programs available on the major networks, a simple chronological listing of programs may also be used.

Following a subcategory selection on the broadcast TV menu such as favorite channels, the set top terminal 220 will display a submenu of programs as shown in FIG. 32h. The favorite channel program menu 1256 of FIG. 32h allows the subscriber to choose among eight programs in progress at 9:45 p.m. on a broadcast TV network.

Using this methodology, the subscriber may also be allowed to choose among television programs which will be available for viewing in the next half hour or hour. When the

time of the preselected program is approaching, the set top terminal 220 will display a notification menu or window to the subscriber (similar to FIG. 29a and 29b) informing him of an eminent change of channels to a previously selected program.

E. 8. Mood Questions

Once a personal profile has been created (in a particular set top terminal 220), it can be indefinitely stored in non-volatile memory. A selection at the home menu screen 1010 activates the program selection feature. Following activation of the feature, the set top terminal 220 will present the viewer with a series of brief questions to determine the viewer's mood at that particular time. For example, the first mood question screen 1260 may ask the viewer to select whether he desires a short (30 minute), medium (30-60 minute), or long (60 plus minute) program selection, as shown in FIG. 32i. The second mood question screen 1262 requests the viewer to select between a serious program, a thoughtful program, or a light program, as shown in FIG. 32j. And the third mood question screen 1264 requests whether the user desires a passive program or an active program, as shown in FIG. 32k. The viewer makes his selection in each question menu utilizing the cursor movement keys and "go" button on his remote control 900. A variety of other mood questions are possible such as fatigue level of the viewer.

After the viewer has responded to the mood question menus which determine his mood, the set top terminal 220 finds the best programming matches for the viewer and displays an offering of several suggested programs to the viewer (three or more programs are preferred). The matching algorithm compares the viewer profile data with information about the program derived from the program control information (or STTCIS) signal, such as show category, description type, length, etc. Using the personal profile information and mood questions suggested above, the following types of outcomes are possible. If the set top terminal 220 is presented with a young lady viewer, educated in Boston who watches sitcoms on a regular basis, and desires a short, light, passive program, a match might be found with the 30-minute sitcom Cheers, the sitcom Designing Women, and Murphy Brown. Taking another example, a middle-aged male viewer from the Boston area, wishing a longer length, light, passive program suggestion might be suggested the New England Patriots game, the Boston Red Sox game and a science fiction movie.

With this program selection feature, the set top terminal 220 can intelligently assist the specific viewer in selecting a television program. Instead of the set top terminal 220 requiring an input of personal profile information, the terminal may also "learn" a subscriber's viewing habits by maintaining historical data on the types of programs the viewer has most frequently watched. This information can then be fed to the matching algorithm which selects the suggested television programs.

Using this methodology, it is even possible for the set top terminal 220 to suggest programs for two viewers. By using two sets of viewer profile information, the matching algorithm can find the best match for joint viewing. For example, the set top terminal 220 can suggest programs for a couple watching television simultaneously.

E. 9. Promotions

FIGS. 33a, 33b, and 33c demonstrate the use of promotional menus to sell subscriptions to services in the system. In particular, FIG. 33a is a promotional menu 1304 for Level A interactive services. Level A interactive services offers subscribers additional information about programs such as

quizzes, geographical facts, etc. This information may be received by the set top terminal 220 in several data formats including VBI and in the program control information signal. FIG. 33b is a promotional menu 1306 for Level B interactive services which include a variety of on-line type services such as Prodigy, Yellow Pages, Airline Reservations, etc.

FIG. 33c is a promotion menu 1308 for the Level C interactive services. The Level C interactive services utilize local storage such as CD technology to offer an enormous range of multi-media experiences. The Level C interactive services require a hardware upgrade as described earlier. Specially adopted CD-I and CD-ROM units are needed for this service.

E. 10. Level A Interactive

FIGS. 33d through 33j show menus that are available using the interactive Level A services. When interactive Levels A services are available in a television program, the system will display the interactive logo consisting of the letter "I" and two arrows with semicircular tails. In the preferred embodiment the set top terminal 220 will place the interactive logo on the television screen as an overlay menu 1310. In the preferred embodiment, the set top terminal 220 will detect that there is data or information available about a television program which can be displayed to a subscriber using the interactive service. When the set top terminal 220 senses that there is interactive information available, it will generate the interactive logo overlay menu and place it on the television screen. For example, the set top terminal 220 will detect that information on a television program is being sent in the vertical blanking interval (VBI) and generate an interactive logo overlay menu which will appear on the subscriber's television screen for approximately fifteen seconds during each ten minute interval of programming.

When the subscriber sees the interactive logo on his television screen, he is made aware of the fact that interactive services are available in conjunction with his television program. If the subscriber presses his interactive remote control button, an additional overlay menu will be generated by the set top terminal 220 and placed on the screen. This menu 1310 is shown in FIG. 33d being overlayed on an interactive television program. From this menu the subscriber may select interactive features or return to the television program without interactive features.

If the subscriber selects interactive features he will be presented with the interactive Level A submenu 1312 in FIG. 33e. From this submenu the subscriber may choose a variety of different types of textual interactivity with the current television program. Some examples are quizzes, fast facts, more info, where in the world, products, etc. At any time during the interactive submenus the user may return to the television program without interactive features.

This interactive submenu has an example of taking a complete television program video, scaling it down to a smaller size and directing the video into a video window of a submenu.

FIG. 33f shows an interactive fast facts submenu 1314. In this submenu textual information is given to the subscriber in the lower half of his screen. This textual information will change as additional data is received by the set top terminal 220 relating to this television program.

FIG. 33g shows the use of the subcategory "more information" in the interactive service. This submenu 1316 gives additional information related to the television program to the viewer in textual form in the lower half of the screen.

FIG. 33h is an interactive submenu 1318 for the subcategory "quiz." In this interactive subcategory, the user is

presented with questions and a series of possible answers. If the subscriber desires, he selects one of the answers to the quiz question. After his selection, the set top terminal 220 sequences to another menu. The set top terminal 220 sequences to the interactive quiz answers submenu which informs the subscriber whether he has chosen the correct answer or not. FIG. 33i shows a correctly answered quiz question 1320 and FIG. 33j shows an incorrectly answered quiz question 1324. In the preferred embodiment, the menu graphics for both of these menus 33i and 33j is the same. The only difference is in the text which can be generated by the text generator of the set top terminal 220.

E. 11. Level B Interactive

FIG. 34a is an example of a submenu for Level B interactive services. From this menu screen 1330, any of a number of on-line data services could be accessed. In FIG. 34a, the airline reservations selection has been selected by the subscriber.

E. 12. On-Line Data

FIGS. 34b through 34i provide an example of a sequence of menus that a subscriber may encounter with an on-line data service. In particular, this example relates to airline information and reservations and the subscriber in this sequence is reserving and purchasing airline tickets. FIG. 34b is an example of the first submenu 1332 for a data service offering various options. In this case, the subscriber has the option of checking current reservations or making new reservations. In each of these submenus related to a data service, the subscriber is able to return to the home menu 1010 or regular cable TV and exit the data service. FIG. 34c requires the subscriber to enter information related to his airline reservation in this submenu 1334, such as: domestic or international flight, year of flight reservation, month of flight reservation.

FIG. 34d is another submenu in the airline information and reservation data service. FIG. 34d provides an example of how the subscriber may choose among many options on a single screen 1336. In this manner, the preferred embodiment of the system can avoid the use of a separate keyboard for textual entry. Although a separate keyboard may be provided as an upgrade, it is an added expense which some subscribers may wish to avoid. FIG. 34d shows an "eye off the remote" approach to entering information. FIG. 34d allows the user to choose the State in which he will depart and the state in which he will arrive. The airline information reservation submenu 1338 shown in FIG. 34e allows a subscriber to choose the airports from which he will depart and arrive and also the approximate time period of his departure and his arrival. FIG. 34f, an airline information and reservation submenu 1340, allows a subscriber to view six available flights. A subscriber may select one of the flights to check on its availability.

FIG. 34g, an airline information and reservation submenu 1342, allows a subscriber to enter the month, day and year for the availability date he desires. In this submenu, the subscriber is offered the option of correcting any errors in the entered information. This particular submenu is for a particular flight, including flight number.

FIG. 34h, an airline information and reservation submenu 1344, allows a subscriber to view remaining seats available on a flight. From the menu, the subscriber may select his seat assignments. This submenu is an example of how information may be graphically shown to a subscriber using a portion of the menu and different coloring schemes. In this menu, the lower half of the screen shows the passenger compartment of an airplane with all the seat locations graphically represented by square blocks. By coloring the

available seat locations in blue and the unavailable seat locations in a different color, the menu can present a great deal of information in a limited amount of space. This graphic presentation of information for the interactive on-line data services is an important method of visually displaying large amounts of information to the subscriber.

FIG. 34i, an airline information and reservation submenu 1346, allows the subscriber to choose a one-way or round-trip ticket and to confirm his reservations. If the subscriber desires to proceed, he may charge his airline ticket to his credit card by choosing the appropriate strip menu on the lower part of the screen.

FIG. 34j, an airline information and reservation submenu 1348, is an example of how credit card purchases may be made using the interactive on-line data services. In this particular menu, the subscriber is charging a round-trip plane ticket on his credit card. The subscriber simply needs to enter his credit card number, expiration date, and credit card type to charge his airline ticket.

FIG. 34k, an airline information and reservation submenu 1350, is an example of a menu which may be shown whenever an on-line data service is processing a request sent by the subscriber. In this particular menu, the on-line data service is processing the subscriber's credit card charge for his airline ticket.

FIG. 34l, an airline information and reservation submenu 1352, confirms a subscriber's airline ticket purchase and passes on information on where the ticket may be picked up.

E. 13. Digital/Audio Program Choices

FIG. 35a is a major menu 1038 displaying the digital/audio program choices which are available for subscribers who have paid the monthly fee. In a chart format, the major menu shows the top five, top ten, and top forty songs available in six different categories of music. Below the chart, the system is able to provide a text message describing the particulars of the audio program selected.

The digital/audio feature of the invention allows a subscriber to listen to CD quality audio selections through his stereo. This can be accomplished by running cables directly from the set top terminal 220 to the subscriber's amplifier/stereo system. Alternatively, the user may listen to audio selections through his television system.

FIGS. 35d and 35e are the same major menu 1038 as FIG. 35a but shows a different selection and a different program description in the lower text 1408, 1412. From any of the menu screens for the digital/audio feature, the subscriber may return to regular cable TV with the press of a single button.

FIGS. 35b and 35c are promotional menus 1400, 1404 for the digital/audio feature. Using the same logos and menu format, the system can provide a text description enticing the subscriber to pay the monthly fee and join the service. In FIG. 35b, the menu allows the user to test the system with a free demonstration. The menu in FIG. 35c allows the subscriber to request additional promotional information about the system. Both FIGS. 35b and 35c are representative of promotional menus that may be used throughout the menued system.

E. 14. Monthly Account Review

FIGS. 36a, 36b and 37a, 37b relate to the monthly account review capabilities available to the subscriber. In the preferred embodiment, the subscriber may choose to access the monthly account review capability from both the introductory menu 1000 and home menu 1010. The monthly account review screen shows alternative window types that are available to the set top terminal 220. For example, in the upper left-hand corner of the monthly account review, the

current time and date are both shown. The upper right-hand corner provides the subscriber with instructions on how to use the monthly account review capability. FIG. 36b also shows that windows may be created in a variety of shapes. For instance, on the lower right-hand part of the screen 1612 two triangularly shaped windows with messages are shown. In addition, on the left lower part of the screen 1612 a window in the shape of a trapezoid is shown with a textual message inside.

The monthly account review provides a list of charges from the first day of the month to the date of viewing for each major menu. Charges are incurred on a pay-per-view basis and on a subscription basis (weekly, monthly, quarterly, etc.). At the lower part of the screen, the total of the charges incurred for the month is listed. The account status can also be calculated on a weekly, quarterly or semi-annual basis.

If the user moves his cursor to highlight one of the eight menus listed and depresses the "go" button, he will obtain further billing information on the menu. FIGS. 36a and 36b show in screens 1610 and 1612, respectively, the subscriber selecting menu A for further information.

FIGS. 37a and 37b are submenus for the monthly account review and displays detailed billing information about selections made on menu A. The date of each movie selection, title of the movie, and price for each movie is displayed (1614, 1616). Also, any discounts which have been granted are displayed. The total charges on this menu and the day in which the menu will be changed are shown in the lower part of the screen. From this submenu, the subscriber may either return to regular TV or return to the major menu for the monthly account review. If the submenu information does not fit on a single screen, an extended submenu may be utilized with follow on extension screens. Alternatively, a scrolling feature may be used enabling the subscriber to scroll additional information onto the first submenu screen.

The account information necessary to create the monthly account review menus may be stored either in the memory of the set top terminal 220 or at a remote location that communicates with the set top terminal 220. In the simplest embodiment, the set top terminal 220 records a subscriber's selections locally and calculates the monthly account review based upon the subscriber's selections which require the payment of fees. This monthly account information is stored locally and sent to the cable headend 208 at least once a month for back-up and billing purposes.

Alternatively, the subscriber's viewing selections and billing information may be continuously maintained at the cable headend 208 or a remote site connected via communication lines to the cable headend 208. The cable headend 208 or the remote site must regularly transmit the monthly account information to the set top terminal 220. Each embodiment has advantages and disadvantages. If the account information and processing is done locally at the set top terminal 220, each set top terminal 220 must be provided with the memory and necessary processing capability to maintain the account. This greatly increases the cost of a set top terminal 220. If the account information is maintained remotely, the remote site must remain in regular contact with the set top terminal 220 in order to provide the subscriber with billing information.

To accommodate homes with multiple viewers two or more set top terminals 220 may be placed on a single bill or two accounts may be created for one set top terminal 220.

After menu configuration 324, the CAP 260 may begin the process of generating a program control information signal 326 (see also FIG. 8 software description at 442 and

404). In order to generate program control information signals 326 which are specific to a particular cable headend 208 system, the CAP 260 incorporates cable franchise configuration information 328. In the preferred embodiment, unique cable franchise configuration information 328 is stored at the Operations Center 202. The cable franchises upload changes to their specific franchise information 426 from time to time to the Operations Center 202 for storage 328. Preferably, a separate CPU (not shown) handles the management of the cable franchise information 328. From the stored cable franchise information 328, the CAP 260 generates a cable franchise control information signal 330 unique to each franchise.

Using the unique cable franchise control information signals 328 and the menu configuration 324 information, the CAP 260 generates the program control information signal 276, as shown at function block 326. The program control information that is unique to a particular cable franchise may be identified in various ways such as with a header. With the header identification, the cable headend 208 may extract the portions of the program control information signal 276 it needs. Now, the CAP 260 may complete its process by electronically packaging the programs into groupings 280 for the signal transmission and adding the program control information 276 to the packaged programs 334 to form a single signal for transmission. Through manual entries by the packager (PDEI 400) or by comparing against a list of programs, the CAP 260 will determine whether the programs are arriving from external sources 280 or sources internal 286 to the Operations Center 202.

Referring back to FIG. 11, upon completion of the CAP's functions, the Operations Center 202, or the uplink site 204 (FIG. 1), compresses 288 (if necessary), multiplexes 290, modulates 292 and amplifies 294 the signal for satellite transmission 296. In a basic embodiment, the CAP 260 will also allow entry of time slots for local avails where no national programming will occur.

FIG. 13 is a more detailed flow chart 340 of some of the functions performed by the CAP 260 after an initial program schedule has been entered and menu configurations generated. This flow chart highlights that some of the functions described earlier in reference to FIGS. 8, 9, 11 and 12 can be performed in parallel. The flow chart 340 shows six basic functions that are performed by the CAP 260: (1) editing program schedule for local availability 342 (only for non-standard services, i.e., those services that are not national cable services); (2) generating program control information signals 344; (3) processing external programs 346; (4) processing internal programs 348; (5) processing live feeds 350; and, (6) packaging of program information 352. In an alternate embodiment, the CAP 260 is capable of incorporating local programs and accommodating local availability for local television stations.

Following completion of the programming scheduling (accounting for local availability if necessary) and menu generation 342, the CAP 260 may perform three tasks simultaneously, generating program information signals 344, processing external programs 346 and processing internal programs 348.

The CAP 260 automatically identifies external programs feeds 356 and identifies which external feed to request the external program 358. The CAP 260 gathers and receives the external programming information 280, 282 (FIG. 11) and converts it to a standard digital format 360 for use. The CAP 260 also identifies internal programs 362 (and defined program services), accesses the internal programs 364 (and program services), and converts them to a standard digital

format 366, if necessary. In addition, the CAP 260 identifies live signal feeds 368 that will be necessary to complete the packaged programming signal 370. In its last task depicted in FIG. 13 the CAP 260 completes the packaging of the programs and combines the packaged program signal with the program control information signal 352, amplifies the signal 354 and sends it out for further processing prior to uplink.

F. Allocation of Cable System Bandwidth

One of the primary tasks of the Operations Center 202 is, with assistance from the cable headends 208, effective utilization of available bandwidth from the Operations Center 202 to the subscriber homes. FIG. 14 shows effective allocation of 750 MHz of bandwidth (1 MHz to 750 MHz) for television programming. In FIG. 14, bandwidth is allocated for both analog 226 and digitally compressed 227 signals. In the preferred embodiment, the bandwidth is divided so that each category of programs receives a portion of the bandwidth. These categories correspond with major menus of the set top terminal software. The representative categories shown in FIG. 14 include: (1) high definition TV (HDTV) made possible through the use of compression technology, (2) A La Carte Channel category which provides specially channels for subscription periods such as monthly, and (3) pay-per-view.

FIG. 15 shows a chart 228 of compressed channel allocation for a variety of programming categories 229 that have been found to be desirable to subscribers. By grouping similar shows or a series of shows into blocks of channels 230, the system 200 is able to more conveniently display similar programming with on-screen television menus. For example, in the movie category, which has the greatest allocation of channels, the same movie may be shown continuously and simultaneously on different channels. Each channel starts the movie at a different time allowing the subscriber to choose a more suitable movie starting time (e.g., every 15 minutes).

In order to accommodate cable TV systems that have different bandwidths and channel capacities, the television programming and television program control information may be divided into parts such as priority one, two and three. The large bandwidth cable TV systems can accommodate all the parts of the television programming and all parts of the television programming control information. Those cable TV systems with a more limited bandwidth are able to use the program delivery system 200 by only accepting the number of parts that the cable system can handle within its bandwidth.

For instance, as is shown in FIG. 16, three cable television systems with different bandwidths may use the program delivery system 200 simultaneously with each system accepting only those parts of the information sent which it is capable of handling. Priority one television programming and menus 240 are accepted by all three systems. Priority two television programming and menus 242 are not accepted by the cable television system whose capacity is the smallest or in this case 330 MHz (40 channels) system. Priority two television programming and menus 242 are accepted and used by the two larger capacity cable television systems shown. Priority three television programming and menus 244 are only used by the largest capacity television system which is capable of handling all three parts—Priority one, two and three programming and menu information.

With this division of television programming and menus, the program delivery system 200 may be utilized simultaneously by a variety of concatenated cable systems 210 (depicted in FIG. 1) with varying system capacities. By

placing the heavily watched or more profitable programming and menus in the priority one division 240, both users and owners of the cable TV systems will be accommodated as best as possible within the limited bandwidth.

FIG. 17 shows three different cable headend 208 systems, each system receiving the entire satellite signal from the Operations Center 202 and stripping those parts of the signal which cannot be handled by the local cable system due to bandwidth limitations. In this particular embodiment, the three local cable television systems shown have bandwidth limitations which correspond with the bandwidth limitations depicted in the previous FIG. 16. As the bandwidth decreases, the programming options available to the viewer in the exemplary on-screen menu decreases. Using this preferred embodiment, the Operations Center 202 is able to send one identical signal to the satellite 206 that is sent to all the cable headends 208. Each cable headend 208 accepts the entire signal and customizes the signal for the local cable system by stripping those portions of the Operations Center signal that are unable to be handled by the local cable system. An alternate embodiment (not shown) requires the Operations Center 202 (and uplink sites 204) to send different signals for reception by different capacity cable headends 208.

There are several ways in which a cable headend 208 may strip the unnecessary signal from the Operations Center 202. A person skilled in the art will derive many methods from the three examples discussed below. The first method is for the signal originating from the Operations Center 202 (and uplink site 204) to be sent in portions with each portion having a separate header. The respective cable headend 208 would then recognize the headers and transmit to the concatenated cable system 210 only those signals in which the proper headers are identified. For example, using three concatenated cable systems shown in FIG. 17, the headers may be "001," "002," and "003." A wide bandwidth concatenated cable system can accept program signals with all three headers, while the narrowest bandwidth concatenated cable system may only be able to accept signals with a "001" header. For this first method, a central Operations Center 202 must divide the program signal into three parts and send a separate leading header before each signal for each part. This method requires has the additional signal overhead of a header on the program signal. The header would be transmitted from time to time as necessary.

A second method requires a set of transponders to be assigned to each priority level and the cable headend 208 to route signals from the transponders corresponding to the proper priority level for the concatenated cable system 210. For example, if there are three priority levels and eighteen transponders, transponders one through nine may be assigned to priority level one, transponders ten through fourteen priority level two, and transponders fifteen through eighteen assigned to priority level three. Thus, a concatenated cable system 210 capable of operating only at priority level two, would only receive signals from transponders one through nine, and ten through fourteen from the respective cable headend 208. The program signal from transponders fifteen through eighteen would not be transmitted to the priority level two concatenated cable system. This method requires the Operations Center 202 to properly assign programs to transponders by priority level. This can be accomplished by the CAP using the software described earlier (e.g., FIG. 8 at 438 and 440).

The third and the preferred method is for the cable headend 208 to pick and choose programming from each transponder and create a customized priority one, two, and

three signal with chosen television programming. The cable headend 208 would then route the appropriate customized signal to each part of the concatenated cable system 210 that the cable headend 208 serves. This third method requires that the cable headend 208 have a component, such as the combiner (described in greater detail in a co-pending U.S. Patent Application entitled Digital Cable Headend For A Cable Television Delivery System, Ser. No. 08/160,283, filed Dec. 2, 1993, owned by the assignee of the present application) which can select among programs prior to combining the signal for further transmission on a concatenated cable system 210. The third method requires the least coordination between Operations Center 202 and the cable headend 208.

In addition to dividing the television programming and menus into parts, the Operations Center 202 of the preferred embodiment is also capable of dynamically changing the bandwidth allocation for a particular category of programming. FIG. 18 depicts this dynamic change in bandwidth allocation from a typical week day prime time signal 250 to a Saturday afternoon in October signal 252 (during the college football season). FIG. 18 highlights the fact that the bandwidth allocated to sports is limited to eight selections 251 during week day prime time 250 but is increased to sixteen selections 253 during a Saturday afternoon in October 252. This dynamic increase in bandwidth allocation allows the system to accommodate changes in programming occurring on an hourly, daily, weekly, monthly, seasonal and annual basis.

In addition to dynamically allocating bandwidth for programming categories, the Operations Center 202 can also dynamically change the menu capacities in order to accommodate the change in programming and bandwidth. For example, on a Saturday afternoon in October 252, the major menu for sports may include a separate subcategory for college football. This subcategory would, in turn, have a separate submenu with a listing of four, six, eight, or more college football games available for viewing. In order to accommodate this dynamic menu change, the Operations Center 202 must add a submenu listing to the major sports menu, create a new or temporary submenu for college football, and allocate the necessary menu space on the college football submenu.

Once the television programs have been packaged and a program control information signal is generated to describe the various categories and programs available, the packaged programs are then digitized, compressed, and combined with the program control information signal. Upon the signal's departure from the Operations Center 202 the breakdown into categories is insignificant and the signal is treated like any other digitally compressed signal.

G. Compressing and Transmitting Program Signals

After packaging, the packaged television program signal is prepared for satellite transmission and sent from the Operations Center 202 to the cable headend 208 via satellite 206. Depending on the specific embodiment, the television program signal may need to be compressed, combined/multiplexed, encoded, mapped, modulated, upconverted and amplified. This system, which is intended to be compatible with existing C and Ku Band satellite transmission technologies, accepts video, audio and data signals ranging in signal quality, and input from a number of sources.

As shown in FIG. 3, in the preferred embodiment, the packaged program signal will be treated at a master control uplink site 211 prior to being transmitted to the satellite 206. Following compression the channels must be multiplexed for each transponder carrier and sent to the satellite 206 dish

that will provide the uplink. A variety of multiplexing schemes may be used in the system. In some situations, it may be advantageous to use different multiplexing schemes in different parts of the overall system. In other words, one multiplexing scheme may be used for satellite transmission 206 and a second remultiplexing scheme for the land transmission. Various satellite multi-accessing schemes and architectures can be used with the system, including both single channel per carrier (SCPC) frequency division multiplex (FDM) and multiple channel per carrier (MCPC) time division multiplexing (TDM). Time division multiplexing is the more desirable scheme. Once the signal has arrived at the uplink or master control site 211, it must be modulated, upconverted, and amplified. Various types of satellites and transponders capable of handling digital signals may be used in this cable television packaging and delivery system. One of the achievements of the present invention is effective utilization of digital compression technology by packaging television programs into categories that allow easy access to television programs by consumers. With current digital compression techniques for video, the typical 50-channel capacity cable satellite receiving system can be increased to 300 channels.

Presently, one transponder is used for each satellite delivered channel. The preferred embodiment uses 18 satellite transponders and compression ratios of 4:1 to 8:1 to achieve a capacity of 136 satellite delivered channels. More transponders or higher compression ratios can be used to deliver up to the channel capacity of any existing cable system.

An example of a satellite that may be used is the AT&T Telstar 303. The signal is transmitted from the satellite 206 to the cable headend 208 where a computer system including a digital switch treats the signal and delivers it through cables to a subscriber's home. In alternate embodiments, multiple Operations Center 202 and multiple uplink sites 211 can be simultaneously utilized.

H. Cable System Use of Control Signal

FIGS. 19 through 21 depict sample menu screens produced by the set top terminal 220 using the program control information signal 276. FIG. 19 shows a menu which enables the viewer to select a program category or program service from among a choice of eight program categories. FIG. 20 shows a menu for the viewer to select a hit movie from among ten hit movies. FIG. 21 provides information about a movie (or event) and enables a viewer to order the movie for viewing.

FIGS. 19 through 21 show text generation by the set top terminal 220. This text is generated using information received via the program control information signal. FIG. 20 shows the text 380 generated for the hit movies major menu. In the preferred embodiment, text 380 such as that shown in FIGS. 19 through 21 is generated separately by a text generator (not shown) in the set top terminal unit 220. Those portions of the text that generally remain unchanged for a period of weeks or months may be stored in EEPROM or other local storage. For example, the text "HIT MOVIES from" 382 will consistently appear on each hit movies' major menu. This text may be stored on EEPROM or other local storage. Further, text such as that which appears at the lower center part of the screen "PRESS HERE TO RETURN TO CABLE TV" 384 appears many times throughout the menu sequence. This text may also be stored locally at the set top terminal 220. Text which changes on a regular basis, such as the movie titles (or other program selections), will be transmitted to the set top terminal 220 by either the operations center 202 or the cable headend 208. In this manner, the cable headend 208 may change the program

selections available on any major menu modifying the program control information signal sent by the operations center 202 and transmitting the change. The network controller 214 of the cable headend 208 generally modifies the program control information signal and transmits the set top terminal control information signal (STTCIS). It is preferred that the text 380 is generated by the set top terminal 220 separately from the graphics because the text can be stored locally in a more compact manner requiring less storage space at the set top terminal 220. In addition, it allows for easy communication of text changes from the operations center 202 or cable headend 208 to the set top terminal 220.

FIGS. 19 through 21 show the use of day, date and time 386 information on menus. This information may be obtained in a variety of ways. The day, date, and time information 386 may be sent from the operations center 202, the cable headend 208 (signal processor or network controller 214), the uplink site, or generated by the set top terminal unit 220 internally. Each manner of generating the day, date, and time information 386 has advantages and disadvantages which may change given the particular embodiment and costs. In the preferred embodiment, the day, date, and time 386 are generated at a central location such as the operations center 202 and are adjusted for regional changes in time at the cable headend 208.

In order for the set top terminal 220 to generate submenus for subcategories of categories shown in FIG. 19 (which relate to the content of the programs), and to generate menus for movies such as FIG. 21, the terminal must receive information on the content of the programs from the Operations Center 202 (via the cable headend 208). Normally the set top terminal 220 would receive this information in the form of the program control information signal (or STTCIS). As shown FIG. 21, in addition to the text needed for these program menus, video or program scenes are also necessary.

Live video signals may be used in windows of certain menus such as FIG. 21. These video signals can be sent via the program control information signal, STTCIS, or can be taken off channels being transmitted simultaneously with the menu display. If the video signal is taken off a channel, less information needs to be sent via the program control information signal. However, this technique requires that separate decompression hardware be used for the program control information and the channel carrying the video. Separate decompressors for the video signals and program information signal allows for the greatest flexibility in the system and is therefore the preferred embodiment. A separate decompressor also assists in assuring that the switch from menus to television programming is smooth and without any significant time delay.

Live video for menus, promos or demos may be sent to the set top terminal 220 in several ways: a) on a dedicated channel, b) on a regular program channel and scaled to size, c) sent along with the program control information signal, etc. However, in the preferred embodiment, a great deal of short promos or demo video are sent using a split screen technique on a dedicated channel.

Using a split screen technique, any number of different video clips may be sent (e.g., 2, 4, 6, or 8 video clips). To show the video clip on a menu, the video must either be scaled and redirected to a video window on a menu screen or a masking methodology can be used. Masking involves playing the entire channel of video (all 2, 4, 6, or 8 split screens) in background and masking the unwanted video clip portions of the split screen by playing the menu in foreground and overlaying the unwanted background video.

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Masking is the least expensive method because it does not require any special hardware and it increases video throughput to the set top terminal 220. However, using the masking technique without any video redirecting causes each video clip to be located in a different position on the screen. It also requires the masking to be different for each video clip and makes consistent format difficult. On the other hand, scaling and redirecting video is generally difficult, expensive and requires additional hardware.

In order for the Operations Center 202 to prepare the promo video signal to be sent to the set top terminal 220, the Operations Center 202 must first identify the duration and actual video cut to be used for each promo and its position within the promo video signal. This information is maintained within the Operations Center 202 database. When it is time to produce the promo video signal (either to tape or to broadcast), each promo cut is scaled, positioned and combined with the other promos to form the single promo video signal. This is performed by readily available commercial equipment. Each promo is run repeatedly while the promo video signal is being generated. The audio signals of the individual promo cuts may be combined into the promo video signal audio tracks based upon the number of audio tracks available. The mapping of the audio tracks to the promos is also stored in the Operations Center database. Additionally, the mapping of promos to the programs that they are previewing is also stored in the Operations Center database. All promo database data is made available to the set top terminal 220 through the STTCIS.

In the preferred embodiment, the Operations Center 202 transmits six video/graphic promos for advertising purposes all on one channel. The throughput of the video/graphics on a single channel can be increased through the use of digital compression techniques. The set top terminal 220 uses either video scaling and redirecting techniques or masking to utilize the six video scenes. Although the set top terminal 220 actually performs the manipulation of video as necessary to generate the "live" menus for the subscriber, the appropriately prepared video signals must be formed and sent by the Operations Center 202 to the set top terminal 220.

If a promo for a given program is available at the set top terminal 220, the viewer may command the set top terminal 220 to display the promo. Generally, this is done through program selection from a menu screen by the subscriber. The selected program is referenced to information about available promos and allows the set top terminal 220 to tune to the proper channel, select the appropriate menu overlay mask based on the promos position and switch on the audio track(s) if they are available. The promos position on the screen dictates the displaying of the "live" text (refer to the video window of FIG. 21). The program associated with the currently selected promo may be purchased from this menu screen. Events, services and slices of time may be purchased from promotional menus.

Management of promo video signals at the Operations Center 202 is similar to that of other programs except that more information is needed in order to specify the details of the promo video signal. The broadcasting of the promo video signal is identical to the broadcasting of a video program.

In order to limit the amount of bandwidth needed to transmit the program control information signal, various compression techniques employed for non-video may be used such as block coding, contour coding, blob encoding, and run-length encoding. Further, the program control information signal may be divided into text and graphics, or

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video, text and graphics and then recombined at the set top terminal 220 using a text generator, graphics decompression, and video decompression as necessary.

As shown in FIG. 2, an analog cable TV system 205 can continue to exist alongside and within the digitally compressed system of the present invention. The digital transmissions do not effect the analog system. In fact, the analog cable signal may be transmitted simultaneously on the same cable as the digital signal. Cable headends 208 may continue to supply subscribers with local channels in an analog signal format.

In the preferred embodiment, the Operations Center 202 and uplink 204 (FIG. 1) or master control site 211 (FIG. 3) are collocated. However, the Operations Center 202 and uplink site 204 may be located in different geographical places. Also, functions and equipment within the Operations Center 202 may be remotely located. For instance, the program storage may be at a different site and the programs may be sent to the CAP 260 via landline.

Alternate embodiments of the system 200 of the present invention may use multiple Operations Centers described above. In such an embodiment, it is preferred that one Operations Center be designated the Master Operations Center and all other Operations Centers be Slave Operations Centers. The Master Operations Center performs the functions of managing and coordinating the Slave Operations Centers. Depending on the method in which the Slave Operations Centers share functions, the Master Operations Center coordination function may involve synchronization of simultaneous transmissions from multiple Slave Operations Centers. To perform its functions, the Master Operations Center may include a system clock for synchronization.

An efficient method of dividing tasks among multiple Operations Centers is to assign specific satellite transponders to each Operations Center 202 and to assign external program sources to the nearest Operations Center 202. Of course, this division of resources may not always be possible. Since programming will be grouped into priority levels with each priority level likely to be assigned specific satellite transponders, it is also possible to assign each Operations Center 202 to a priority level. For example, in a three priority level system with two Slave Operations Centers A and B and 18 transponders, the Master Operations Center may be assigned priority level 1 and assigned 9 transponders. Slave Operations Center A may be assigned priority level 2 and 5 transponders, while Slave Operations Center B is assigned priority level 3 and 4 transponders. In a multiple Operations Center configuration dynamic bandwidth allocation and dynamic menu capacity allocation becomes more complex and will be coordinated by the Master Operations Center.

Just as in the alternate embodiment wherein multiple Operations Centers 202 are used, a delivery system may have multiple satellite uplinks. Preferably, each Operations Center 202 has one or more uplink sites. Each Operations Center 202 controls the functions of its assigned uplink sites and may assign one site as a master uplink site.

In another alternative configuration, in regions or areas without cable services, where subscribers might use backyard satellite systems (TV RO) to receive packaged television services, the set top terminal 220 will include the appropriate hardware to allow connection to the backyard satellite reception equipment, i.e., a typical communication port. In this configuration, the backyard satellite system will receive programming signals originating from the Operations Center 202 directly from the satellite transponders. No

cable headend 208 is utilized with a backyard satellite system. The menu system within the set top terminal 220 will be programmed directly from the Operations Center 202. The Operations Center program signals and control signals arrive at the set top terminal 220 essentially unchanged. Additionally, in this configuration, an upstream communication mechanism must be in place at the subscriber's home (e.g., modem) to communicate information to the Operations Center 202 such as program ordering information. The set top terminals 220 can be equipped with a modem port for this upstream communication to the Operations Center 202. The two alternative embodiments described in the preceding four paragraphs, and other such embodiments not specifically referred to herein but within the understanding of those skilled in the art, incorporate or combine one or more of the components of the system 200 of the present invention.

Although the present invention has been shown and described with respect to preferred embodiments, various changes and modification that are obvious to a person skilled in the art to which the invention pertains are deemed to lie within the spirit and scope of the invention as defined by the following claims.

What is claimed is:

1. An operations center for generating menus and a digital data signal to be used in television program delivery, comprising:

- a receiver, wherein information, including information on television programs, is received;
- a memory for storing the received information;
- a first processor for generating menus using the information stored in memory, wherein the menus are generated automatically by the operations center by analyzing the information using a heuristic;
- a display, operably connected to the first processor, for displaying the generated menus;
- an input device, operably connected to the first processor, for entering changes to the displayed menus;
- a second processor, operably connected to the first processor, for generating a digital data signal containing data from the changed or displayed menus; and
- a transmitter, operably connected to the second processor, for transmitting the generated digital data signal, whereby menus may be generated using the contained data on the transmitted digital data signal.

2. The operations center of claim 1 wherein the first processor comprises a means for generating program selection menus.

3. The operations center of claim 2 wherein the program selection menus include an introductory menu, a home menu, at least one major menu, and at least one submenu.

4. The operations center of claim 3 wherein the introductory menu welcomes a user and offers the user at least one option.

5. The operations center of claim 4 wherein the introductory menu offers the user regular cable television, programs on demand, and instructions on the use of a remote control.

6. The operations center of claim 1 wherein the first processor comprises a means for generating menu windows which may be customized by a user.

7. The operations center of claim 1 wherein the first processor comprises a means for generating a home menu with multiple windows which make the home menu user-friendly.

8. The operations center of claim 7 wherein the home menu includes major menu categories and the home menu displays a channel line-up and the major menu categories.

9. The operations center of claim 8 wherein the channel line-up comprises standard channels and programming on demand icons.

10. The operations center of claim 8 wherein the channel line-up comprises Basic cable and Basic Plus packages.

11. The operations center of claim 8 wherein the channel line-up comprises one or more of the most popularly watched channels.

12. The operations center of claim 8 wherein the home menu comprises at least one additional accessible screen.

13. The operations center of claim 1, wherein the first processor comprises a means for generating a mood question menu.

14. The operations center of claim 13 wherein the mood question menu includes one or more of mood question screens, each of which prompt a viewer for information concerning the viewer's mood.

15. The operations center of claim 3 wherein at least one of the major menus is for a category of programming.

16. The operations center of claim 15 wherein the different categories of programming include at least one of the following: sporting events, children's programming, entertainment choices, documentaries, news, magazines, broadcast TV, cable TV, high-definition television (HDTV), interactive television choices, program available services, digital audio, programs on demand, and hit movies.

17. The operations center of claim 16 wherein the hit movies major menu includes options of available popular movies which may be selected.

18. The operations center of claim 16 wherein the HDTV major menu includes a description of HDTV and a suggestion to order.

19. The operations center of claim 16 wherein the HDTV major menu includes options of the currently available HDTV programming.

20. The operations center of claim 16 wherein the program available services major menu includes options on programs available on network schedules and offers a plurality of program schedule submenus.

21. The operations center of claim 20 wherein the plurality of program schedule submenus include seven-day network schedule, current-day network schedule, and TV guide picks sub-menus.

22. The operations center of claim 16 wherein the digital audio major menu displays digital audio program options.

23. The operations center of claim 22 wherein the digital audio major menu shows top songs available in one or more different categories of songs.

24. The operations center of claim 1 wherein the first processor comprises a means for generating a confirmation menu.

25. The operations center of claim 3 wherein the major menus include submenu options relating to one or more subcategories of programming.

26. The operations center of claim 25 wherein the submenus includes listings corresponding to other submenus.

27. The operations center of claim 25 wherein the submenus include program identities.

28. The operations center of claim 27 wherein the program identities are from a particular category or subcategory of programming.

29. The operations center of claim 28 wherein one particular subcategory of program identities is defined by the time of viewing.

30. The operations center of claim 3 wherein the submenus comprise a notification submenu notifying a user that a program selection is about to begin.

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31. The operations center of claim 30 wherein the notification submenu displays a countdown timer which indicates remaining time to the beginning of the program selection.

32. The operations center of claim 30 wherein the notification submenu allows the user to cancel the program selection.

33. The operations center of claim 30 wherein the notification submenu comprises:

a window showing the program selection and the amount of time before the program selection begins;

a video window that displays a scene from the program selection; and

a second window that presents the user with an option on escaping the program selection without charge.

34. The operations center of claim 3 wherein the submenus comprise a rejoin submenu that includes reentry menu selections for rejoining an exited program, the reentry menu selections including one or more identified start times.

35. The operations center of claim 3 wherein the submenus comprise a program order submenu and a program confirmation submenu.

36. The operations center of claim 3 wherein the submenus comprise a program description submenu from which a user may choose to record a selected program on a VCR.

37. The operations center of claim 3 wherein the submenus comprise an interactive Level A submenu offering a variety of interactivity with a television program being viewed.

38. The operations center of claim 37 wherein the variety of interactivity includes one or more of the following: quizzes, fast facts, more info, geographical facts, and products.

39. The operations center of claim 37 wherein the submenus comprise one or more of: a quiz submenu, a fast fact submenu, a more info submenu, a geographical facts submenu, and a products submenu.

40. The operations center of claim 3 wherein the submenus comprise an interactive Level B submenu offering on-line services.

41. The operations center of claim 40 wherein the on-line services include one or more of: Yellow Pages and airline reservations.

42. The operations center of claim 40 wherein the submenus comprise a plurality of airline information and reservation submenus.

43. The operations center of claim 3 wherein the submenus comprise an interactive Level C submenu offering multi-media experiences.

44. The operations center of claim 1 wherein the first processor comprises a means for generating at least one during program menu.

45. The operations center of claim 44 wherein the during program menus comprise one or more of: a one hidden menu and an overlay menu.

46. The operations center of claim 45 wherein a user has a specific time to escape from a program selection and the overlay menu informs a user when the specific time to escape from a program selection will expire.

47. The operations center of claim 45 wherein the overlay menu informs a user that the user is escaping from a program selection after being charged for the program selection.

48. The operations center of claim 45, wherein the hidden menu remains unseen by a user during program viewing, but is generated when the user presses one or more key strokes on a remote control.

49. The operations center of claim 48 wherein the key strokes include one or more of: escape, cancel selection, or icon selection.

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50. The operations center of claim 49 wherein the hidden menu triggers the display of an overlay menu in response to the user's key stroke.

51. The operations center of claim 1 wherein the first processor comprises a means for generating at least one promotional menu for selling subscriptions to services.

52. The operations center of claim 51 wherein the promotional menu is for HDTV services and describes the HDTV services and its availability.

53. The operations center of claim 51 wherein the promotional menu is for interactive services and provides additional information about the interactive services.

54. The operations center of claim 51 wherein the promotional menu is an interactive logo overlay menu that allows a user to select interactive features or return to a television program being viewed.

55. The operations center of claim 51 wherein the promotional menu is for digital audio services and provides a text description enticing a user to pay a monthly fee and join the service.

56. The operations center of claim 1 wherein the first processor comprises a means for generating an account review menu which displays information concerning a user's account.

57. The operations center of claim 56 wherein the account review menu provides a list of charges from the first day of a month to the date of viewing.

58. The operations center of claim 3 wherein the submenus comprise account review submenus which provide detailed billing information about one or more specific charges.

59. The operations center of claim 1 wherein the received information includes one or more of: viewer data, ratings data, demographics data, program importance data, times-purchased data, cost data, menu placement data, category data and lifespan data, and wherein the first processor includes a means for analyzing the received information.

60. The operations center of claim 1 wherein the first processor automatically generates menus based on the received information.

61. A method of generating menus and a digital data signal for use at television program viewer locations, comprising:

storing menu format data;

receiving input data about television programs;

storing the received input data;

generating a draft menu through the use of the stored input data and the menu format data, wherein the draft menu is generated automatically by an operations center by analyzing the input data using a heuristic;

displaying the draft menu;

editing the displayed draft menu, wherein the edited menu includes a program line-up;

repeating the steps of generating, displaying, and editing to generate additional edited menus;

processing the edited menus to generate a digital data signal; and

transmitting the digital data signal for use at viewer locations, whereby at least one of the edited menus may be viewed by a viewer.

62. The method of claim 61 wherein the draft menu is one of the following: a draft introduction menu, a draft home menu, a draft major menu, a draft submenu, a draft hidden menu, or a draft overlay menu.

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63. The method of claim 61 wherein input data used to generate a draft menu includes one or more of: viewer data, ratings data, demographics data, program importance data, times-purchased data, cost data, menu placement data, category data, and lifespan data, and wherein the step of 5 generating a draft menu includes the step of analyzing the input data.

64. The method of claim 61 wherein the heuristic causes a program to move closer to or further from the top of the menu based on the input data about the program. 10

65. The method of claim 61 wherein the step of editing the draft menu includes the step of entering information by a packager. 15

66. The method of claim 61 wherein the step of generating a draft menu is automatically performed by an operations center and the step of editing the draft menu includes the step of entering information by a packager.

67. The method of claim 61 wherein the step of receiving comprises the step of entering input data by a packager.

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68. The method of claim 61 further comprising the step of: selecting programs from a pool of available programs.

69. The method of claim 68 further comprising the step of: inputting requisite information about the selected programs; and

choosing the price for the selected programs.

70. The method of claim 68 further comprising the step of: allocating transponder space for the selected programs.

71. The method of claim 61 wherein the edited menus are one of the following: an introductory menu, a home menu, at least one major menu, and at least one submenu.

72. The method of claim 61 wherein the draft menus are one of the following: a draft program selection menu, a draft during program menu, or a draft program confirmation menu.

* * * * *

COPY OF NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR
REVIEW FILED SEPTEMBER 20, 2007

NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
UV/193

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

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name _____In re Application of
David M. Berezowski et al.Application Number
09/823,705Filed
March 30, 2001For SYSTEMS AND METHOD FOR IMPROVED
AUDIENCE MEASURINGArt Unit
2623Examiner
Annan Q. Shang

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20 (b)(1))

\$500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed,

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-1075. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 54,026

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

Michael J. Chasan

Typed or printed name

212-596-9000

Telephone number

September 20, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

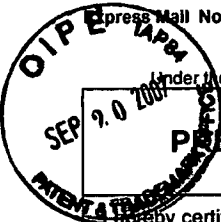
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UV-193

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on _____

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Application Number
09/823,705

Filed
March 30, 2001

First Named Inventor
David M. Berezowski

Art Unit
2623

Examiner
Annan Q. Shang

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 54,026

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Michael J. Chasan

Typed or printed name

212-596-9000

Telephone number

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS
UV-193

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : David M. Berezowski et al.
Application No. : 09/823,705 Confirmation No. : 7437
Filed : March 30, 2001
For : Systems and Methods for Improved Audience Measuring
Art Unit : 2623
Examiner : Annan Q. Shang

New York, NY 10036
September 20, 2007

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Pursuant to 1296 Off. Gaz. 2 (July 12, 2005), applicants request review of the rejection of claims 1-6, 8-11, 13-46, 50-56, 58, 60-85, 87-90, 92-125, 129-135, 137, 139-164, 166-169, 171-204, 208-214, 216, and 218-237 in the above-identified application. No amendments are being submitted with this Request. This Request is being filed with a Notice of Appeal.

ARGUMENTS

I. Introduction

Claims 1-6, 8-11, 13-46, 50-56, 58, 60-85, 87-90, 92-125, 129-135, 137, 139-164, 166-169, 171-204, 208-214, 216, and 218-237 are pending in this application. Claims 1-6, 9-11, 13-46, 50-56, 60-85, 88-90, 92-135, 139-164, 167-169, 171-204, 208-214, and 218-217 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Maissel et al. U.S. Patent 6,637,029 (hereinafter "Maissel"). Claims 8, 58, 87, 137, 166, and 216 have been rejected under

35 U.S.C. § 103(a) as being obvious over Maissel in view of Hendricks et al. U.S. Patent 6,539,548 (hereinafter "Hendricks"). Applicants respectfully traverse the rejections.

II. Applicants' Reply to the 35 U.S.C. § 102(e) Rejections

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Appellants respectfully submit that Maissel does not show each and every element of appellants' claims.

1. Independent Claims 1, 80, and 159

Applicants' independent claims 1, 80, and 159 are directed to a method and systems for measuring audience size information based on playbacks of a recorded program. Indications of playbacks of the recorded program are received from a plurality of audience members. In response to receiving these indications, audience size information is updated and this updated information is then provided to at least one user within an interactive television application.

The Examiner maintains that Maissel provides audience information for recorded programs. *See* Office Action, page 3. Applicants' respectfully disagree. Maissel defines the term "audience" as referring to "the sum total audience viewing all programs at a particular time, or to the total audience of viewers who are capable of receiving programs at a particular time." *See* Maissel, col. 19, lines 23-27. Thus, Maissel's definition of audience does not include an audience that is watching a program stored after broadcast – e.g. a recorded program. As a result, Maissel's real-time information, or updated audience information, is limited to programs currently being broadcast. *See* Maissel, col. 19, lines 27-30. This real-time information does not account for applicants' improvement of updating audience size information based on playbacks of a recorded program. Accordingly, Maissel does not provide audience information for recorded programs.

Further, applicants' independent claims 1, 80, and 159 require "updating audience size information for [a] recorded program" in response to receiving "indications of playbacks of the recorded program from a plurality of audience members." In contrast, Maissel merely refers to a television system which provides an "indication of a proportion of an audience currently

viewing a program," as well as a proportion of an audience currently viewing a program "not being viewed by a viewer." See *Maissel*, col. 5, line 51 through col. 6, line 19. In other words, Maissel's television system provides information about what proportion of an audience is watching currently broadcast programming. The Examiner's position in this rejection appears to be that Maissel's indication of a proportion of an audience currently viewing a program that is not currently being viewed by the viewer is the same thing as applicants' updating audience size information for a recorded program based on indications of playbacks of the recorded program. See Office Action, pages 3 and 5 referencing col. 19, lines 1-15 of Maissel. However, Maissel's programs that are "not being viewed by a viewer" are not the same as the recorded programs specified by applicants' claims, supported in applicants' specification, and widely understood by those skilled in the art.

In particular, applicants' specification as well as common sense clearly tell us that recorded programs are programs that have been stored after their broadcast. See specification, page 2, lines 13-21. Nowhere does Maissel show that its programs "not being viewed by a viewer" are programs that have been stored after their broadcast. Thus, the Examiner's contention that indications of playbacks of a recorded program is equivalent to indications of the programs, or content, not currently being viewed by the viewer is overbroad and unreasonable. Because Maissel does not show indications of playbacks of recorded programs, Maissel does not show updating audience size information for recorded programs. Instead, Maissel provides "real-time information" on what proportion of an audience is watching currently broadcast programming. For these reasons alone, applicants submit that independent claims 1, 80, and 159 are patentable over Maissel.

For at least the foregoing reasons, applicants submit that independent claims 1, 80, and 159 are patentable over Maissel. Applicants respectfully request, therefore, that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn.

B. Independent Claims 29, 108, and 187

Applicants' independent claims 29, 108, and 187 are directed toward a method and systems for providing audience size information with program listings in an interactive television application. Indications that a user wishes to access one or more program listings are received from a user. Audience size information for a program corresponding to at least one of

the program listings is calculated. The calculating is based on a graded approach of assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members. For example, a predetermined quantity of points may be assigned to an audience member playing, pausing, rewinding and fast-forwarding a recorded program. See specification, page 39, lines 3-14. Program listings that include audience size information are provided in response to the indication from the user.

Each of applicants' independent claims recites calculating audience size information by "assigning a predetermined quantity of points to each of a plurality of actions performed by a plurality of audience members." In the Office Action, the Examiner contends that Maissel's "rule-based abstracted method to generate various on-screen alerts" shows this element of applicants' claims. See Office Action, page 3. Maissel maintains preference profiles, which are collections of information that describe users' viewing habits. An intelligent agent applies rules to this information to generate on-screen alerts to, *inter alia*, remind viewers that their favorite program is being broadcast. Applicants submit that the Examiner's contention that Maissel's intelligent agents assigns points to audience actions is particularly unreasonable. Nowhere does Maissel show that the intelligent agent's "rule-based abstracted method" assigns points to audience actions. Instead, Maissel's intelligent agent merely alerts users of programs based on the information in their preference profiles. Further, anyone skilled in the art would take applicants' claimed "assigning a predetermined quantity of points" to logically mean awarding a set number of points in response to a particular action. Nowhere does Maissel show this action as part of its intelligent agent or preference profile. Finally, and most importantly, nothing in Maissel shows using user viewing habits or other similar information to calculate audience size information. For these reasons, applicants submit that independent claims 29, 108, and 187 are patentable over Maissel.

C. Independent Claims 51, 130, and 209

Applicants' independent claims 51, 130, and 209 are directed toward a method and systems for measuring audience size information for an upcoming program in an interactive application. Indications to perform actions related to the upcoming program are received from a plurality of audience members. Audience size information is updated in response to receiving

the indications. Audience size information is then provided to at least one user within the interactive television application.

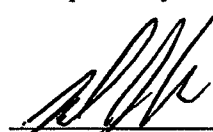
As described above with respect to independent claims 1, 80, and 159, Maissel only refers to providing audience size information based on programs available to the viewer in real time (i.e. "real-time information" on what proportion of an audience is watching currently broadcast programming). *See* Maissel, col. 19, lines 23-30. Maissel makes no reference to providing such information for an upcoming program. Therefore, Maissel does not show updating audience size information based on users viewing upcoming programs. For at least this reason, Maissel fails to show all of the features of applicants' independent claims 51, 130, and 209. Applicants respectfully request, therefore, that the rejection of these claims under 35 U.S.C. § 102(e) be withdrawn..

III. Conclusion

Claims 2-6, 8-11, 13-28, 30-46, 50, 52-56, 58, 60-79, 81-85, 87-90, 92-107, 109-125, 129, 131-135, 137, 139-158, 160-164, 166-169, 171-186, 188-204, 208, 210-214, 216, and 218-237 depend on independent claims 1, 29, 51, 80, 108, 130, 159, 187, and 209, and are allowable at least because claims 1, 29, 51, 80, 108, 130, 159, 187, and 209 are allowable.

For the foregoing reasons, applicants submit this application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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COPY OF NOTICE OF PATENT DECISION FROM PRE-APPEAL BRIEF
REVIEW DATED FEBRUARY 8, 2008



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09/823,705

03/30/2001

David M. Berezowski

UV-193

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02/08/2008

ROPES & GRAY LLP

PATENT DOCKETING 39/361

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ROPES & GRAY LLP - PATENT DEPT.
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NOTED BY _____

EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

02/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

File No.

UV/193

Action Desc.

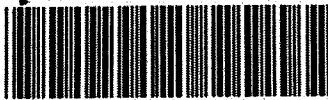
Appeal Brief Based on Re-Appeal

Due Date

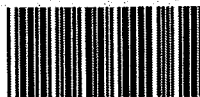
March 8, 08

By

CR

Application Number 	Application/Control No. 09/823,705 Chris Kelley	Applicant(s)/Patent under Reexamination BEREZOWSKI ET AL. Art Unit 2623
Document Code - AP.PRE.DEC		

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 9/20/07.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: all pending.
 Claim(s) withdrawn from consideration: _____

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Chris Kelley

(2) Annan Shang

(3) John Peng

(4) _____

(x.) Related Proceedings Appendix

None.